

Intellectual Property Rights Policy

Surendera Dental College and Research Institute (SDCRI)
Sri Ganganagar, Rajasthan



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1.1 Introduction

Surendera Dental College and Research Institute (SDCRI) was established in 2003. The college is shaping the future of dental education, research, clinical care and instilling leadership qualities in its students. SDCRI offers both Undergraduate (BDS) and Postgraduate (MDS) programmes in dentistry.

Intellectual property plays an important role in providing a competitive edge to an organization. The intangible assets of an organization - such as inventions, brands, designs, and other creative and innovative products - are, today, often more valuable than its physical assets. In SDCRI, faculty members, research scholars and the students are engaged in research and development work of considerable importance. Such works may lead to evolution of intellectual property entities, copyrights, designs, instruments, devices, processes, specimen, software, and other inventions having potential for commercialisation with or without the registration under different Acts enacted by the Government for protection of intellectual properties.

The creation of intellectual property not only contributes to the professional development of the individuals involved, but also enhances the reputation of the SDCRI, provides educational opportunities for students and promotes public welfare. Particularly, a commercial exploitation of the intellectual property can be of considerable socio-economic benefit to the country. Keeping in mind, the Intellectual Property Rights Policy Document of SDCRI seeks to provide guidance to academic and non-academic staff, students, scholars, on the practices and the rules of the college regarding intellectual property rights (IPR) and obligations which include the nature of intellectual property (IP), its ownership, exploitation, technology transfer and confidentiality requirements. The College, therefore, supports and encourages the efforts directed towards bringing the fruits of college research in diverse fields of knowledge to public use and benefit while protecting the interests of the scholars.

To meet the goals envisaged in the preamble of the policy, the College is committed to provide an environment where scholarship and innovation can flourish and those participating in these endeavours can be suitably rewarded for


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their efforts. At the same time, the SDCRI also recognises that certain intellectual properties can be developed as a result of the environment and the facilities provided by the College will create a special relationship between the College and its staff and scholars. As such also the College wishes, where appropriate, to gain benefit from intellectual property so created by the faculty and students. Such benefits may not only be monetary, but also in the form of the transmission of such knowledge to the future generations of students, scholars, and faculty.

The policy laid down in this document is expected to fulfil the commitment of the College to promote academic freedom and provide a conducive environment for research and development. The policy shall govern the intellectual property rights of the SDCRI, faculty members, research scholars, students and other connected with the work, product, ideas, and inventions created in connection with the activities of the College.

1.2 Commencement

The Terms Defined

- a) **Assignment** is the transfer of rights or title in the intellectual property in writing.
- b) **Patent** is an exclusive right granted for an invention, which is a product or a process that provides a new way of doing something or offers a new technical solution to a problem.
- c) **Trade/Service Mark** means a mark capable of being represented graphically and which is capable of distinguishing the goods or services of one person from those of others and may include shape of goods, their packaging and combination of colours.
- d) **Industrial Design** means only the features of shape, configuration, pattern, ornament or composition of lines or colours applied to any article whether in two dimensional or three dimensional or in both forms, by any industrial process or means, whether manual, mechanical or chemical, separate or combined, which in the finished article appeal to and are judged solely by the eye; but does not include any mode or principle of construction or anything which is in substance a mere mechanical device.


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- e) **Traditional Knowledge** The knowledge developed by the indigenous or local communities for the use of a natural resource with respect to agriculture, food, medicine *etc.* over a period and has been passed from one generation to another traditionally.
- f) **Geographical Indications** means an indication which identify such goods as agricultural goods, natural goods as originating or manufactured in the territory of a country or a region or locality in that territory where a given quality, reputation or other characteristic of such goods is essentially attributable to its geographical origin and in case where such goods are manufactured, one of the activities of either the production or of processing or preparation of the goods concerned takes place in such territory, regions or locality as the case may be.
- g) **Copyright** is the exclusive right granted by law for a certain period to an author to reproduce, print, publish and sell copies of his/her creative work.
- h) **Creator(s)** include any employee of the College whether employed full time or part time or on probation or temporary basis either in the College and/or in projects and those who are research workers, research scholars or students or project fellows who are responsible for the creation of an intellectual property using the facilities of the College.
- i) **Confidential disclosure** means an agreement between disclosing and recipient parties or a term in a research contract or license agreement.
- j) **Direct Expenses** include the costs associated with the development, protection, maintaining and licensing of intellectual property, including the regular payment of salaries or other overhead costs of the College.
- k) **Educational material** comprises the content and associated tools and technologies for delivery of content, including material developed for traditional face to face classroom courses as well as other delivery methods such as through internet or other distance learning media.
- l) **Invention disclosure** means a written description of an invention that is confidentially made by the inventor to the college.
- m) **Intellectual Property** shall include any property generated out of intellectual effort of the creator (s). It includes but not limited to


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- New and useful scientific and technical advancement in the form of innovations, inventions, products and processes, computer hardware and software, materials, biological varieties which are patentable.
 - Industrial and architectural designs, models, drawings software, creative, artistic, and literary works, teaching resource materials generated, records of research *etc.*, which are copyrightable.
 - Trademarks, service marks, logos *etc.*
- n) **Patentee** means the person for the time being entered on the register of patents kept under the Indian Patent Act as the generator or proprietor of the patent.
- o) **Publication** means a public enabling disclosure of an invention and may be verbal or printed. Printed publication includes abstracts, student thesis and in certain instances, grants and proposals.
- p) **Revenue** means any payment received as per an agreement by the SDCRI, usually for the use of an intellectual property of the College through a license.

1.3 Objectives

The College has formulated intellectual property policy for the management and handling of intellectual property rights with the following objectives.

1. Establish an IPR management policy and procedural guidelines and make them available to the public.
2. Establish standards for determining the rights and obligations of the College, the Creator (Inventor, Developer, Author) and their sponsors.
3. Aware of the creator for IPR and other applicable laws and rules; and secure their compliance.
4. Provide a conducive environment leading to the development of the intellectual property.
5. Facilitate, encourage, promote, and safeguard scientific investigation and research along with the freedom of the scholars.
6. Enable the institute for secure sponsored research funding at all levels of research.


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1.4 Copyrightable Material

The copyright material includes the following material and entities as described in the Indian Copyright Act, 1957 and The Copyright (Amendment) Act, 2012.

- Books, journals, articles, texts, glossaries, laboratory, manuals, syllabi, tests and proposals, study guides, bibliographies.
- Lectures, musical or dramatic compositions, unpublished scripts.
- Films, filmstrips, charts, transparencies, and other visual aids.
- Video-audio tapes and cassettes.
- Live video and audio broadcasts, podcasts.
- Programmed instructional materials.
- Research notes, research data reports and research notebooks; other materials or works other than software which qualify for protection under the Indian Copyright Act, 1957 and The Copyright (Amendment) Act, 2012.

1.5 IPR-Advisory Committee

The college will construct a IPR Advisory Committee to take care the IPR related affairs and guidance to other faculty members of the college. The committee will comprise of 5 members with one as its chairman and four others as its members. The committee will meet time to time and will be incumbent to evaluate and make recommendations regarding IPR related issues. The committee will also notify the rules and amendments for the IPR.

1.6 Ownership

1.6.1 In-house Research

All rights in respect of investigations and research carried out at the SDCRI shall top 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.

1.6.2 Sponsored Research

Intellectual Property Rights (IPR) of inventions arising out of research projects undertaken on behalf of the sponsoring agencies shall be taken

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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.

1.6.3 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 full cost of filing and maintenance, if considered expedient by the college, 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 Intellectual Property Rights.

1.7 Technology Transfer

- a) The Intellectual Property of SDCRI held either in the name of SDCRI or jointly with other Institutions/Industry will be marketed for commercial exploitation under agreements involving technology transfer, licensing and revenue sharing models.
- b) The IPR Cell of SDCRI shall identify potential licensee(s) for the IP to which SDCRI has ownership. In case of joint ownership, the Organization/Industry which has sponsored the activity, will have the first right to commercially utilize and exploit Intellectual Products emanating from the collaboration activity, whether or not the same have been formally protected by patent(s). The licensing to commercially exploit would involve technology transfer fee and also royalty payment from the first date of such commercial exploitation for a period that will be as mutually agreed upon.
- c) In the event of the other collaborating organization/industry not undertaking the commercial exploitation within a reasonable period of two years from

the first date of development of the technology, SDCRI reserves the right to transfer to a Third Party for its commercial exploitation and use. In such instance, however, college shall share the net proceeds from such commercial assignments, in equal measure with the collaborating organization/industry in the ratio 1:1.

- d) The College would endeavour to exploit the IP by commissioning a Technology Management Agency and thereby bring to a favourable light the IP produced by its Inventor(s). The Inventor(s) may seek SDCRI to assign the rights to them after a certain holding period.

1.8 Revenue Sharing

The revenue arising out of licensing of IP and royalty would be shared in the 1:1 or as per the terms agreed between the college and the inventor(s). Where SDCRI reassigns the right of the IP to its inventor(s), the inventor(s) shall reimburse all the costs incurred by college, which include protection, maintenance, marketing, and other associated costs.

1.9 Jurisdiction

As a policy, all agreements to be signed by Surendera Dental College and Research Institute, Sri Ganganagar (SDCRI) will have the jurisdiction of the courts in Sri Ganganagar and shall be governed by appropriate laws in India.


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