

# NOORUL ISLAM CENTRE FOR HIGHER EDUCATION

(Declared as Deemed-to-be-NICHE under Section 3 of the U.G.C. Act 1956)

Accredited by NAAC with 'A' Grade)

**Kumaracoil - 629180, Kanyakumari District, TamilNadu, India**

**BOARD OF RESEARCH, DEVELOPMENT & CONSULTANCY (BRDC)**

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## ‘Intellectual Property Rights Policy



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# NICHE - INTELLECTUAL PROPERTY RIGHTS POLICY

## INTRODUCTION

The Noorul Islam Centre for Higher Education (NICHE), Kumaracoil (hereinafter referred to as 'the NICHE') is dedicated to teaching, research and dissemination of knowledge to the society. NICHE was established in September, 2008 under Section 3 of the UGC Act 1956 with the objectives 'to facilitate and promote academics and research in emerging areas of higher education with the focus on new frontiers of Engineering, Technology, Science and Management Studies and also to achieve excellence in these and connected fields.

The faculty members, research scholars, students and other personnel of NICHE are actively engaged in various research and development activities of diversified nature. Many of these research and development leads to different forms of Intellectual Property (IP), which are for commercial exploitation unless protected by Intellectual Property Rights (IPRs).

IP refers to the creation(s) emanated from the mind of any person(s) such as inventions; literary, artistic works, symbols, designs, names, logo and images. IP is protected in law by endorsements like, patents, copyright and trademarks, also called as IPRs, which enable people to earn recognition or financial benefit from what they invent or create. IPR policy serves as the cornerstone of innovation and creativity. An IPR policy provides structure, predictability, and a framework for talented minds to do what they do the best: create and innovate. Governments of various countries protect the innovative ideas of the inventors through IPR. Recently, IPR has become a central issue in the developed and developing countries. The IP policy of NICHE will fulfill the commitment of NICHE towards bringing out innovation and creativity through the promotion of academic freedom and providing a beneficial environment for effective teaching, learning, research, and development processes. In order to fulfill this commitment, NICHE IPR Cell was established at NICHE.

NICHE IPR Cell was established to create awareness and offer assistance to academicians, researchers, entrepreneurs and innovators to identify, protect and manage IPR effectively. This cell actively involves in educating the importance of IPRs for various communities under NICHE the BRDC.

## OBJECTIVES

**The Objectives of the IPR Policy of NICHE are Listed Below:**

- a) To promote academic freedom and safeguard the creation of IP at NICHE;
- b) To provide a comprehensive single window reference system for all IPR issues relating to IP generated at NICHE;
- c) To maintain the interest of creator of IP and provide fair distribution of returns accruing from the commercialization of IPR;

- d) To help in introducing prudent IP management practices within the NICHE to promote an IPR culture;
- e) To provide legal support, to defend and protect the IPRs;
- f) To create an environment for acquiring new knowledge through innovation, creativity and research,
- g) To promote more collaborations between academia and industry through better clarity on IP ownership and IP licensing.
- h) To ensure that once the inventor (Who may be student, research scholar, faculty members and other members of NICHE) decides to explore the prospects of commercialization of IP, he/she must disclose the proposal to NICHE, while continuing to keep the proposal confidential until patent applications are filed and processed; and
- i) To establish an IP cell at NICHE for supporting all innovation, creativity and IPR related endeavors of students, research scholars and faculty members.

### **SERVICES OF NICHE IPR CELL**

The services of NICHE IPR cell includes:

- a) Supporting the designing and filing of patents
- b) Supporting to prepare and register copyrights
- c) Offering service to establish trade/service marks
- d) Supporting to carry out industrial designs
- e) Supporting to develop software packages
- f) Supporting to achieve technology transfer
- g) Supporting to achieve commercialization
- h) Offering services to develop prototype models
- i) Offering services to develop business models
- j) Supporting to develop geographical indications

#### **a) Patents (Design Patents and Filing of Patents)**

All inventions whether made by student/ researcher/ faculty, developed by utilizing the resources of the academic institution, or with the mix of funds, resources and/or facilities of NICHE, shall ordinarily be vested with NICHE.

- ***Ownership of IP***

NICHE shall be the owner, with the creators specially stated as inventors for all the IP inventions, software designs and products created by those who include faculty members, research scholars, students and those who make use of the resources of NICHE.

The inventions created by NICHE personnel, without using NICHE resources and created outside their assigned/normal duties/areas of research /teaching shall be owned by the creators and the revenue generated out of such creations shall be shared

in the ratio of 70:30 between the creator and NICHE respectively. If an IP has emerged as a result of an Institutional/Industrial Consultancy, sponsored to NICHE, the concerned industry and NICHE shall own the IP, and the MoU can be initiated.

A computer software may be patented, copy righted, trademarked, depending upon the IP content.

- ***Internal Evaluation***

NICHE IPR cell will coordinate the activities of evaluating, protecting, licensing and managing the IP generated by NICHE. Further, it shall provide guidance to all NICHE personnel and facilitate protection and deployment of IP issues of ownership, confidentiality, suitable advice from experts, disclosure, patentability and transfer. An invention will be patented only if it has commercial value and viability for production and marketing. A patentability committee shall decide the commercial value and related aspects on case by case basis. This committee shall also act to the best of its knowledge to avoid scientific misconduct in research and developmental activities of NICHE.

- ***Publication Based on IP***

For patentable IP, it is essential that the patent protection is filed before the publication or disclosure of it in any other forum of public domain.

- ***Patent Filing Process***

Provisional patent application that may arise out of projects/research activities of NICHE may be directly applied by the creators/inventors after obtaining formal permission from NICHE IPR Cell on their own cost/by the support of NICHE.

- ***Maintenance of Patents***

For the inventions developed at the NICHE, it is mandatory that the associated personnel and inventors who wish to protect such inventions, have to disclose the creative works encapsulated in such inventions by using Indian Patent Office guidelines.

- ***Patent Fee***

NICHE can either continue the patent by paying the fees for its full term or withdraw application for the patent protection, at its discretion.

- ***Transfer of IP***

NICHE shall strive to identify potential licensee for the IP to which it has ownership. Generally inventors are expected to assist the transfer of IP.

- ***Revenue Sharing***

The revenue sharing arrangements are as detailed below: 60 % (sixty percent) of the total revenue (lump sum payment, royalty or any other form) accruing from the commercial exploitation of IP owned by NICHE shall be credited to inventors. 40 % of the revenue shall be credited to NICHE.

**b) Copyrights**

NICHE shall be the owner of all copyright works such as books, articles, monographs, lectures, speeches, including software and all connected teaching materials designed and developed by the employees of NICHE.

**c) Trade/Service Marks**

The ownership of trademark(s)/ service mark(s) created for NICHE shall be with NICHE. In cases of all IP produced at NICHE, it shall retain a non-exclusive, free, irrevocable license to copy/ use IP for teaching and research activities, consistent with the confidentiality agreement(s), if any, entered into by NICHE. The authorities responsible on behalf of NICHE and inventors have the responsibility to ensure that, any association with NICHE implied by third parties is accurate and the activities with which NICHE is associated through third parties maintain standards consistent with NICHE's educational pursuance.

**d) Industrial Designs**

Only the features of shape, configuration, pattern, ornament or composition of lines or colors 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, separated 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.

**e) Software Programmes**

The codes developed by NICHE researchers, students and faculty members shall not be used by a second party without obtaining the permission in writing.

**f) Technology Transfer**

NICHE shall strive to market the IP and identify potential licensee(s) for the IP to which it has ownership. The inventors(s) are expected to assist in this process. NICHE may contract the IP with Technology Management Agencies (Government/Private), which manages the commercialization of the IP. For the IP for which exclusive rights have not been already assigned to a third party, the inventor(s) may also contact potential licensee(s) on their initiative maintaining confidentiality and taking all necessary care so as not to affect the value of the IP through appropriate agreements such as Non-Disclosure Agreement (NDA) with the potential licensee(s) during technology marketing discussions.

### **g) Commercialization**

All expenses for obtaining and maintaining statutory rights in NICHE-owned IP will be borne by NICHE. It will take steps to commercialize all NICHE-owned IP according to the timely manner.

NICHE will license at its discretion of NICHE-owned IP for commercialization through third parties who may or may not be the inventor through the grant of exclusive/ non-exclusive licenses, or assign its ownership rights to third parties/ inventor safeguarding the interests, financial or otherwise, of NICHE.

### **h) Prototype Models**

Invention(s) especially integrated circuit layouts invented by NICHE personnel without significant use of NICHE resources and not connected with the profession for which he/she is employed at NICHE shall be owned by the inventor(s). For invention(s) especially integrated circuit layouts produced during the course of sponsored and / or collaborative activity, specific provisions related to IP made in contracts governing the collaborative activities shall determine the ownership of IP. The NICHE shall be the owner of all invention(s) especially integrated circuit layouts, created by a team of the NICHE and non-NICHE personnel associated with any activity of the NICHE. Non-NICHE personnel, who create invention especially, integrated circuit layouts at the NICHE without any intellectual contribution of the NICHE personnel and significant use of the NICHE resources, shall be the owner of such invention(s). Except as stipulated above, NICHE shall be the owner of all invention(s) created at NICHE.

### **i) Business Models**

Models for business strategy developed by NICHE personnel are not usable by others without obtaining permission in writing from the competent authorities of NICHE.

### **j) Geographical Indications**

A Geographical Indication (GI) is a sign used on products that have a specific geographical origin and possess qualities or a reputation that are due to that origin. In order to function as a GI, a sign must identify a product as originating in a given place. In addition, the qualities, characteristics or reputation of the product should be essentially due to the place of origin. Since the qualities depend on the geographical place of production, there is a clear link between the product and its original place of production. NICHE will support the inventors to obtain GI sign by offering the services by the faculty members who have knowledge and expertise on getting GI mark on the products and arraigning external support on payment basis.