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## Message

It gives me immense pleasure in declaring 'JIPMER IPR Policy'. JIPMER actively encourages research and facilitate translational research with priority being accorded to innovations in the fields of public health and cost-effective solutions to current medical problems. JIPMER being an Institution of National Importance directly under the Ministry of Health and Family Welfare takes all efforts to ensure that all its inventions/innovations are geared towards the benefit of the Indian population specifically to the maximum possible extent. As part of this goal, JIPMER seeks to protect the IPR of its inventors/innovators to prevent the unscrupulous use of these advances by vested interests. JIPMER IPR policy is prepared on the basis of Indian Patent Act, 1970 and the IPR policy of Indian Council for Medical Research (ICMR). The IPR Cell will help and encourage all JIPMER employees and students in their efforts to identify the innovative component of their research and seek patent protection before publication, to commercially exploit all new knowledge generated with JIPMER's support. The IPR Cell will provide technical, legal and other support needed for IP protection, technology transfer, licensing and commercialization issues. Patents in the Indian Patent Trademark and Design Office and abroad will be also be filed as per the policy described herein. In JIPMER 'JIPMER Innovation Facilitation Unit (JIFU) was started on 30<sup>th</sup> December 2015. I congratulate and wish all the success to JIFU Team on this occasion of release of 'JIPMER IPR Policy'.

  
25.2.16  
Dr. S.C. PARIJA

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JIPMER IPR Policy by JIPRC

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This document has been framed with the guidelines set by ICMR and IITD with appropriate modifications and permissions.

The policy/rules/law laid out in the JIPMER Act 2008 supersedes any policy or text in this document. The Indian Patent Act 1970 shall be applicable to all the matters related to Intellectual Property.

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# **Chapter 1 Introduction**

## **1.1 Preamble**

### **1.1.1 About JIPMER**

Jawaharlal Institute of Postgraduate Medical Education and Research (hereafter referred to as 'JIPMER') is one of India's premier medical institutions, which was accorded the status of an Institution of National Importance (an autonomous body) by the JIPMER Act 2008, under the Ministry of Health and Family Welfare, Government of India.

Three main functions of this institute are,

- To impart quality education in Under-graduate and Post-graduate medical and paramedical courses;
- To set trends in medical research and
- To offer patient care of high order.

### **1.1.2 Our Vision**

JIPMER seeks to be a model for health systems in India through innovations in education, patient-oriented research, population health and service excellence.

### **1.1.3 Our Mission**

To develop compassionate, ethically sound health professionals and provide service of the highest order across the health care continuum, through

- Innovations in education that yield lifelong learners and leaders in health care.
- Original research in basic sciences and patient oriented discoveries.

- Encouraging creative young minds to reach their fullest potential.
- Clinical transformation across the organization that is patient centred, safe, effective, accountable and transparent.
- Emphasis on quality and value in all endeavours.
- Partnerships with organizations encompassing congruent ideals.
- Advocacy for community wellness and public health with a focus on socio-economic disparities.

### **1.1.4 Current Scenario**

With the above stated goals, with increased funding and increased intake of faculty and students, JIPMER is seeing an explosion of research and innovation. It follows that in the current climate of competitiveness, each organization and individual should protect their intellectual property to prevent exploitation of their new ideas and innovations.

This Intellectual Property Rights (IPR) document will not only serve as a guide but also serve as an educative tool for all the faculty and students of JIPMER to understanding, accepting and working with IPR and raise awareness and involvement with “knowledge ownership”. This document will also act as a referral manual for anyone interested in registering their ideas/innovations as patents. The JIPMER IPR policy will be elaborated below and will deal with issues of “ownership”, commercialization, royalty sharing, conflict of interest and other such pertinent issues.

## 1.2 Definitions

1. **Innovation/Invention** – means any product or process that provides a new way of doing something, or offers a new technical solution to a problem
2. **Inventor(s)**- person or a group of persons responsible for creating an IP.
3. **Institute** – means JIPMER, it's representatives or subunits.
4. **JIPMER Employee(s)** – means any person(s) who is employed by JIPMER in full/part time capacity
5. **JIPMER Student(s)** – means any person(s) who has registered or enrolled as full- time student, part- time student, casual student or exchange student from other universities/colleges
6. **First Party** – in all IPR issues, JIPMER (Institute) will be the First Party
7. **Second Party** – means any Inventor(s) who belong to the group JIPMER Employees or Students
8. **Third Party** – Any governmental or non-governmental organization with whom the First or the Second Party interacts for any activity with/without exchange of consideration in cash or kind.
9. **Patent** – is an exclusive right granted for the use of an invention/innovation.
10. **Copyright** – is an exclusive right given to the author of the original literary, architectural, dramatic, musical and artistic works; cinematograph films; and sound recordings.
11. **Sponsor(s)** – means a person, group or other external agency who undertake to provide support, financial and/or material, to the inventor(s) for development of



the invention(s) either directly or through JIPMER, after the full disclosure of the invention to JIPMER.

12. **Visitor(s)** – means any person(s) either from India or abroad visiting under a collaborative activity or associated work at JIPMER. It is expected that the visit has been approved by competent authority of JIPMER.

## 1.3 Intellectual Property (IP)

### 1.3.1 What is IP?

The world intellectual property organization (WIPO) describes IP as “creations of the mind: inventions, literary and artistic works; and symbols, names and images used in commerce. It divides IP into two categories:

- **Industrial Property** which includes patents, trademarks (TM), industrial designs and geographical indications (GI)
- **Copyright** which covers literary works, films, music, artistic works and architectural design

A more expansive list of types of IP and their definitions is given in Annexure 1.

### 1.3.2 What is a Patent?

According to the WIPO “A 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. The protection is granted for a limited period, usually 20 years (as stipulated in the TRIPS agreement). The patent is a title of ownership.”

### **1.3.3 What is patentable?**

An invention is considered patentable (i.e. protection for the rights of exclusive use by the licensee(s) in the form of a patent) if it fulfils 3 criteria:

1. Novel – means it should be new in some manner. This is a fundamentally important criteria and is universally acknowledged as a requirement for patentability.
2. Non-obvious – means it should consist of a new technological advance or have an economic significance above the level which a skilled person in the same art may find obvious. This is also referred to as the “inventive step”.
3. Useful (non-frivolous) – this is the most contentious criteria and means that the invention should have a demonstrable use that will benefit the society.

### **1.3.4 What is not patentable?**

According to the Indian Patent Act, 1970 the following are not inventions —

- (a) an invention which is frivolous or which claims anything obviously contrary to well established natural laws;
- (b) an invention the primary or intended use or commercial exploitation of which could be contrary public order or morality or which causes serious prejudice to human, animal or plant life or health or to the environment;
- (c) the mere discovery of a scientific principle or the formulation of an abstract theory or discovery of any living thing or non-living substance occurring in nature;
- (d) the mere discovery of a new form of a known substance which does not result in the enhancement of the known

efficacy of that substance or the mere discovery of any new property or new use for a known substance or of the mere use of a known process, machine or apparatus unless such known process results in a new product or employs at least one new reactant.

Explanation.—For the purposes of this clause, salts, esters, ethers, polymorphs, metabolites, pure form, particle size, isomers, mixtures of isomers, complexes, combinations and other derivatives of known substance shall be considered to be the same substance, unless they differ significantly in properties with regard to efficacy;

- (e) a substance obtained by a mere admixture resulting only in the aggregation of the properties of the components thereof or a process for producing such substance;
- (f) the mere arrangement or re-arrangement or duplication of known devices each functioning independently of one another in a known way;
- (g) Omitted by the Patents (Amendment) Act, 2002
- (h) a method of agriculture or horticulture;
- (i) any process for the medicinal, surgical, curative, prophylactic diagnostic, therapeutic or other treatment of human beings or any process for a similar treatment of animals to render them free of disease or to increase their economic value or that of their products.
- (j) plants and animals in whole or any part thereof other than micro organisms but including seeds, varieties and species and essentially biological processes for production or propagation of plants and animals;
- (k) a mathematical or business method or a computer programme per se or algorithms;
- (l) a literary, dramatic, musical or artistic work or any other aesthetic creation whatsoever including cinematographic works and television productions;

- (m) a mere scheme or rule or method of performing mental act or method of playing game;
- (n) a presentation of information;
- (o) topography of integrated circuits;
- (p) an invention which in effect, is traditional knowledge or which is an aggregation or duplication of known properties of traditionally known component or components.

Inventions relating to atomic energy are not patentable. No patent shall be granted in respect of an invention relating to atomic energy falling within sub section (1) of section 20 of the Atomic Energy Act, 1962 (33 of 1962).

## **1.4 Intellectual Property Rights (IPR)**

### **1.4.1 What is IPR?**

Once the term “property” is applied to the creations of the mind, it follows that there will be an “owner” of this “property” and that the “owner” will have certain “rights” over this “property”. These rights include selling, renting, transferring and sharing.

### **1.4.2 Why protect IPR?**

In short, the same reasons that are applied for the protection of any property of an individual, group, community or nation can and should be applied to IP.

# **Chapter 2 JIPMER IPR Policy**

## **2.1 IPR Document**

### **2.1.1 Purpose**

This document sets out to elucidate the IPR policy that will be adopted by JIPMER along with the appropriate procedures for its implementation to:

- (a) enable JIPMER in discharging its primary responsibility of encouraging research activities in the area of health care including but not limited to medical science and technology;
- (b) to protect the IP generated by JIPMER Employees/Students and visitors in accordance with the ‘commitment’ of JIPMER and the ‘role’ assigned to it by the society;
- (c) provide a framework for the administration of the IPR policy with regards to the ownership, and procedures for the control and transfer of the intellectual property created by JIPMER Employees/Students;
- (d) enable the practice of IP protection that is in line with the national and international practices and guidelines and to avoid IPR infringements/conflicts.

### **2.1.2 Scope**

The IPR policy as given in this document shall be applicable to all the IP generated by JIPMER Employees/Students and visitors.

### **2.1.3 What it is not**

This document is not a legal document. It shall not be a substitute for the Indian Patent Act 1970.

## **2.2 JIPMER IPR CELL (JIPRC)**

### **2.2.1 Current JIPRC**

The current IPR Cell is a body instituted at the mandate of the Director, JIPMER in consultation with the JIPMER Innovation Facilitation Unit (JIFU). It is presently a 3 member body comprising of:

1. Dr. Ravi Kumar Chittoria, Addl Prof and HOD of Plastic Surgery
2. Dr. Dinesh Kumar S, Associate Professor, Dept of Plastic Surgery
3. Mr. Krishna Rao, Law Officer

The current IPR Cell is charged with the drafting of the JIPMER IPR Policy/Document and the initiation of IPR related education activities.

### **2.2.2 Future of JIPRC**

In the near future, the JIPRC will be expanded/reconstituted to consist of senior faculty, junior faculty and other interested parties such as inventors and will be responsible for formulating, administering, reviewing and modifying the JIPMER IPR policy under the guidance of the Director, JIPMER. The structure for a complete JIPRC is suggested in Annexure 1.

The JIPRC shall meet at least once in a year. All the issues pertaining to IPR shall be dealt with by the IPR Cell.

### **2.2.3 Role**

Envisaged roles of the IPR Cell

1. Education of faculty, students, employees and other collaborators on the issue of IPR.
2. Catalyst role in evaluation of ideas and innovations and their conversion from the conceptual stage to the fabrication/deployment stage.
3. Advisory role to inventors and innovators regarding the best method for protecting their IP .
4. Coordinating with the JIFU for the facilitation of partnerships between various fields for collaborative research targeted at generating IP.

## **2.3 JIPMER IPR Policy**

To meet the objectives set out in its vision and mission statements, JIPMER will actively encourage research and facilitate translational research with priority being accorded to innovations in the fields of public health, neglected health problems and cost-effective solutions to current medical problems.

JIPMER being an Institution of National Importance directly under the Ministry of Health and Family Welfare will take all efforts to ensure that all its inventions/innovations are geared towards the benefit of the Indian population specifically to the maximum possible extent. As part of this goal, JIPMER will seek to protect the IPR of it's inventors/innovators to prevent the unscrupulous use of these advances by vested interests.

To this end, the JIPMER IPR policy will be guided by the Indian Patent Act, 1970 and the IPR policy of Indian Council for Medical Research (ICMR). The IPR Cell will help and encourage all JIPMER employees and students in their efforts to identify the innovative component of their research and seek patent protection before publication, to commercially exploit all new knowledge generated with JIPMER's support. The IPR

Cell will provide technical, legal and other support needed for IP protection, technology transfer, licensing and commercialization issues. Patents in the Indian Patent Trademark and Design Office and abroad will be also be filed as per the policy described herein.

### **2.3.1 Primary Objectives**

1. To make scientists aware of the need and responsibility to protect new knowledge generated through IP rights, ownership of biological and other materials and data generated using JIPMER funds and facilities.
2. To develop standard procedures at JIPMER to capture, assess and protect new intellectual property generated.
3. To provide JIPMER employees and students information on demand relating to patents in their areas of interest by liaising with appropriate national and international agencies.
4. To provide appropriate technological, professional and legal expertise and services to assist JIPMER employees and students to file patents in India and abroad.
5. To encourage and provide all support to JIPMER employees and students and collaborating institutions/organizations for protecting and commercializing new knowledge generated with JIPMER support.
6. To develop a licensing policy that ensures the maximal public health benefit and a fair return on investment from research done in JIPMER.
7. To develop and implement a royalty policy at JIPMER that encourages innovative JIPMER employees and students through a system of royalty sharing, and reward system.



8. To forge appropriate strategic alliances with national and international agencies and industry to market its new inventions and develop professional knowledge networks for JIPMER's inventors/innovators.

### **2.3.2 Strategy**

Some steps to achieve the objectives are as follows:

1. Appropriate internal and external systems will be set up at JIPMER for the identification of new IP before publication.
2. Innovation-driven research will be encouraged through an IPR-friendly climate. JIPMER employees and students will be made aware of need for prompt IP protection before public disclosure, through personal contacts, regular training workshops, seminars, etc.
3. JIPMER employees and students will be encouraged to identify innovative component of their research and seek patent protection in India and abroad before publication.
4. To help promote a sound IPR system, some basic and essential practices like record keeping, appropriate recording of data, maintenance of laboratory handbooks etc. will be encouraged at JIPMER.
5. The renewal of all patents filed in India and abroad will be reviewed at the end of 10 years after filing. Only those patents, for which the innovators have shown continued interest as evident from improvement and/or addition over the reported novelty, will be considered for maintenance beyond 10 years.
6. Patents which have already been commercialized, however, will be maintained for the entire period of 20 year.
7. The IPR Cell would be engaged in regular monitoring

of the Indian and global patent scenario to keep track on innovations of the world.

8. The advice of experts would be sought for furthering the objectives.

## **2.4 Procedure for IP Protection**

### **2.4.1 Invention Disclosure**

Inventor(s) desirous of protecting the IP associated with specific research or invention(s) should first ensure that it is **not** disclosed in a public forum and that any discussions/collaborations that have been conducted will not be available to the public. The invention(s) should then be disclosed in full to JIPMER through the “Invention Disclosure Form” provided through JIFU, JIPRC and the JIPMER website. The form may either be submitted to the office of JIFU or JIPRC.

The Invention Disclosure Form is to be treated as a “confidential” document by both the inventor(s) and JIPMER offices.

### **2.4.2 Evaluation for IP Protection**

The JIPRC, either directly or through an agent(s) appointed for the specific purpose, shall investigate the invention(s) for authenticity, potential for IP protection and/or commercial exploitation and submit an evaluation report to the Director within 3 months. The decision of the Director shall be final regarding the application for IP protection for the specified invention(s). If the invention(s) is found fit for IP protection, JIPMER shall undertake the procedure for filing for IP protection under the appropriate category (patent/trademark/copyright) and the same shall be

communicated to the inventor(s).

In case of an unfavourable evaluation/decision, the same shall be communicated to the inventor(s) who may choose to appeal for re-evaluation with appropriate reasons/changes to the invention(s).

### **2.4.3 Fees for Patent Application**

It is the current policy that JIPMER shall bear all the expenses related to IP protection both the filing for protection and the maintenance of the protection through appropriate yearly fees. Any cost borne by the inventor(s) towards IP protection procedure, through agencies approved by JIPMER for that purpose, will be reimbursed according to the institute procedure for reimbursement of official expenses.

In case JIPMER decides to waive ownership over specified invention(s) due to an unfavourable evaluation or to enable seeking of funds from sponsor(s), JIPMER retains the rights to recover the patent filing charges from the inventor(s) or the sponsor(s) as applicable.

### **2.4.4 Usage of Patents**

JIPMER shall normally retain all the rights for the usage of the patents including, but not limited to, licensing an invention for purposes of commercial exploitation and shall execute appropriate agreements for the same with an external agent/ manufacturer/ industrial partner.

In case, JIPMER decides to not pursue the commercialization of a specified invention within 2 years of full invention disclosure and filing for patents, the inventor(s) shall be eligible to apply for waiver/transfer of ownership in favour of the inventor(s). In such cases, the maintenance of patents through appropriate fees and usage of the patents shall become the prerogative of the inventor(s).

Further information regarding ownership of IP and IPR Policy implementation are dealt with in the subsequent sections.

# **Chapter 3 Administration of IPR Policy**

## **3.1 Implementation/Amendment of IPR Policy**

### **3.1.1 Who will be responsible to implement the JIPMER IPR Policy?**

The JIPRC will be the nodal agency that shall be responsible for the implementation of the JIPMER IPR Policy. As the awareness and compliance with the IPR policy increases, the JIPRC may delegate the overseeing of the implementation and compliance to groups/individual departments/representatives and retain the final say in case of any clarifications/conflicts.

### **3.1.2 Who can amend the IPR Policy**

JIPMER, through its IPR Cell (JIPRC), retains all rights to change its IPR policy or bring out a new policy as it deems fit to accommodate changes in the Indian Patent Act, government policies or other national and international developments including treaties and legal judgements. The changes or the new policy shall be applicable to all faculty/students/project staff/ supporting staff /visitors.

### **3.1.3 Who will create/amend procedures and processes for implementation of IPR Policy**

JIPMER, through its Director, will have full powers to create and amend administrative mechanism from time to time in view of the changing needs including creating administrative bodies and entrusting role and responsibilities to various individual(s)/existing entities for evolving detailed procedures

and to facilitate implementation of the IPR policy of JIPMER – including, but not limited to, restructuring the JIPRC.

### **3.1.4 Appeal Procedure**

In case of any conflict, grievance regarding ownership of IP, processing of IP proposals, procedures adopted for implementation of IPR policy and interpretation of various clauses of IPR policy, any aggrieved person can appeal to the administrative body formed for the purpose to resolve the issue. In case the appellant is not satisfied with the decision of such a body, he/she can appeal to the Director of JIPMER, whose decision shall be final.

### **3.1.5 IP Infringement**

In case of violation/infringement of any intellectual property rights such as patent infringement by the JIPMER faculty /students/project staff/ supporting staff/visitors or any third party infringing upon the IPR of an JIPMER inventor, JIPMER would create an appropriate administrative body, which would first investigate the matter and make recommendations to the Director for resolution of such violation/infringement. In case of any third party infringing upon IPR of JIPMER, the above administrative body would investigate and make recommendations to the Director including need for any legal course of action.

## **3.2 Ownership of Intellectual Property**

### **3.2.1 Introduction**

Intellectual Property (IP) is created by JIPMER Employees/Students during their day-to-day activities of teaching/learning, clinical and non-clinical research, and various patient care services. These IPs need to be protected,

developed, transferred and commercialized for the benefit of both the inventor and the society. The Indian scenario of IP protection has been made more robust retaining the social policy by enacting various laws that provide the legal framework and by formulation of the National IPR Policy which provides the administrative framework. Although the enforcement is not as strict as in many of the developed countries, it is to be kept in mind that it is more due to lack of awareness.

Similarly, there is lack of clarity as to the rights of the inventor(s), the Institution(s) and the procedures for IP protection. The following section attempts to clarify the issue of ownership and rights of all the involved parties.

### **3.2.2 Stakeholders**

The usual stakeholders with respect to an invention are:

1. Inventor(s).
2. Institution(s)
3. Collaborating Institution(s) or Agencies
4. Sponsor(s)
5. Manufacturer(s) / Industry Partner(s)

### **3.2.3 Ownership of IP generated in JIPMER**

The setting in which the invention is made is generally used to assign appropriate rights to the respective stakeholders. This document will only deal with inventions associated with JIPMER.

1. When the invention(s) has been done by JIPMER Employee(s)/Student(s) as a part of their usual duties and responsibilities
  - A. The ownership and all the IP rights of the invention will be assigned to JIPMER.

- B. JIPMER, through JIFU, JIPRC or any other agency set up for that specific purpose, will have all the rights to decide on whether to protect the invention with a patent/trademark/copyright. Similarly, licensing, technology transfer, commercialization rights shall also be retained by JIPMER.
  - C. If IP protection is to be undertaken, JIPMER shall bear all the costs for the same and shall refund any expenses incurred by the inventor undertaken for IP protection.
  - D. However, to encourage the inventor(s), any benefit of commercialization will be shared with the inventor(s) based on the prevailing policy.
    - I. When JIPMER infrastructure/facilities (which include working hours) have been used during the creation of the invention, the usual policy of royalty-sharing will be followed.
    - II. If the inventor has not utilized the time, funds or facilities of JIPMER, the JIPRC can assign a larger share of the revenues to the inventor(s) with the sanction of the Director or a specific agency set up for the purpose.
2. When the invention(s) by JIPMER Employee(s)/Student(s) are not part of their duties/responsibilities and have been undertaken out of working hours, JIPMER shall not retain any ownership or rights over the invention(s).

JIPMER may choose to assist the inventor(s) in terms of IP protection (procedures and funds) and licensing/commercialization efforts. The revenue sharing in such cases shall be negotiable.

3. When JIPMER Employee(s)/Student(s) collaborate with external Institution(s)/Agencies, the ownership and rights shall be assigned according to any existing



MoU's/Agreements between JIPMER and the external Institution(s)/Agencies. In case there are no pre-existing MoU's/Agreements between JIPMER and the external Institution(s)/Agencies, the ownership and rights assignment will be negotiable subject to the approval of the Director or any committee set up for that purpose.

4. Sponsor(s) shall not be assigned any IP ownership or rights irrespective of the extent of support they provide. The assignment of ownership and IP rights will be done according to the above three clauses. The sponsor(s) will be eligible to claim a share of any revenue generated from the invention which shall be negotiable and proportionate to the support provided for the development and/or refinement of the invention, subject to the approval of the Director or any committee set up for that purpose.
5. Manufacturer(s) / Industry Partner(s) shall normally not be assigned any ownership of the IP. They shall be assigned licenses or technology transfer agreements to manufacture the invention on a large scale. The royalty sharing shall be negotiable based on the support provided during the initial stages of product development and the investment made in terms of production designing, manufacturing cost, publicity, marketing and sales, subject to the approval of the Director or any committee set up for that purpose. Normally, the inventor(s) shall receive a share not less than 5% of the net profit.

### **3.2.4 Royalty Sharing**

The income generated by licensing/assigning of IPR or on receipt of royalties associated with technology transfer / specific innovation programs shall be divided as follows:

- (a) 60% (sixty percent) of the revenue will go to the Inventor(s); the share of each inventor may be decided by the Lead Inventor.
- (b) 20% (twenty per cent) would go to JIPMER for administration charges
- (c) 10% (ten percent) to JIFU and 10% (ten percent) to JIPMER IPR Cell for promotion of IPR activities

This is a policy decision that needs to be ratified by the competent authorities of JIPMER and shall be subject to change as when such change is made necessary by the changing situations/legal framework/IP environment – both regionally and in the international setting.

### **3.2.5 Waiver of IP Rights by JIPMER**

JIPMER may waive its ownership and rights on any invention disclosed by the inventor(s) in favour of the inventor(s)

- (a) if it is established that such a waiver of ownership would be essential to enable dissemination of benefits of the invention to the society,
- (b) if it is required to enable the inventor(s) to seek funding for the further development of the invention(s)
- (c) if JIPMER decides not to pursue the protection of IP within a period of six months of complete disclosure by the inventor to JIPMER. The decision to pursue or not to pursue will be communicated to the inventor within a period of three months of complete disclosure by the inventor to JIPMER.

The above mentioned conditions for waiver of ownership is provisional to the establishment that such a waiver will not harm the future prospects of JIPMER or place it under any disadvantage.

In all cases, unless explicitly agreed to, JIPMER shall normally retain a perpetual, royalty free license to use the intellectual

property and any corresponding IP for research and educational purposes.

### **3.2.6. Conflict of Interest**

All inventor(s) shall explicitly declare any conflict of interest that may arise from the implementation of IP protection, publication of associated research, licensing and commercialization of the invention(s). For example, if a spouse or relative working for an external agency is to be listed as a co-inventor and royalty is to be shared with them.

### **3.2.7. Discretionary Powers:**

In all the matters the decision of the Director of JIPMER is final.

### **3.2.8. Dispute settlements:-**

All the disputes arising out of this policy between parties, Sections, Individuals, Institutions etc. will be settled through mutual discussion and consensus, failing which the disputed issues will be settled as per Arbitration and Conciliation Act, 1996, failing which the disputed matters will be settled before the Court of Law within the jurisdiction of Puducherry.

# Annexure 1

## Types of IP

The intellectual properties can be broadly listed as:

- a) Patents
- b) Copyrights
- c) Trade/Service marks
- d) Industrial designs
- e) IC layout designs
- f) New plant variety and Biotechnology inventions
- g) Traditional knowledge and Geographical Indications

## DEFINITIONS

These intellectual properties can be illustratively defined as:-

- a) **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.
- b) **Copyright** is an exclusive right given to the author of the original literary, architectural, dramatic, musical and artistic works; cinematograph films; and sound recordings.
- 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.

e) **IC Layout Designs** means a layout of transistors and other circuitry elements and includes lead wires connecting such elements and expressed in any manner in a semiconductor integrated circuit.

f) **New Plant Variety** a plant variety that is novel, distinct and shows uniform and stable characteristics.

g) **Biotechnology Inventions** include recombinant products such as vectors, nucleotide sequences, micro- organisms.

h) **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 of time and has been passed from one generation to another traditionally.

i) **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 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.

## **Annexure 2**

The suggested structure for the JIPRC is as follows:

1. Director, JIPMER (ex-officio Chairman)
2. Dean, Research (ex-officio Member)
3. Dean, Academic (ex-officio Member)
4. Medical Superintendent (ex-officio Member)
5. Senior Faculty (Member)
6. Junior Faculty (Member)
7. In-house Inventor (JIPMER Employee/Student) – to be nominated by the Director (Member)
8. JIFU representative (Member)
9. Law Officer, JIPMER (Member)
10. Person with experience in Innovations/Patents/IP protection – to be nominated by the Director (Member)