

# INTELLECTUAL PROPERTY POLICY

***Thiagarajar College of Engineering***

***Madurai-625015.***



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# Intellectual Property Policy

## Preamble- IP Policy

Thiagarajar College of Engineering (TCE) is an autonomous institution, affiliated to Anna University, Chennai and one among the several Educational and philanthropic Institutions founded by Late. Shri Karumuttu Thiagarajan Chettiar, established in 1957. TCE aims at creating quality professionals to meet the emerging industrial and societal needs through innovative teaching, applied research and industrial interaction.

Intellectual property provides a new way for an institution to disseminate its knowledge and creative solutions for the societal and industrial needs. One of the missions of the TCE is to develop the intellectual capability to its fullest potential. TCE has a separate IPR Cell under Research and Development division. The objective of the IPR cell is to facilitate, encourage, promote and safeguard Intellectual Property for TCE faculty, students, research scholar and staff. IPR Cell has formulated its intellectual property policy to provide guidance to its faculty, staff, students, research scholars and outside agencies on the practices and rules of the Institute regarding intellectual property rights (IPR). The policy is expected to promote a conducive environment for both curiosity driven and market-driven research and development activities at the Institute and creation of original works of authorship.

- 1. Purpose:** To promote, support, facilitate and protect the Intellectual Property (IP) of Thiagarajar College of Engineering (TCE) and minimize the possibility of inadvertent infringement of third parties' IP.
- 2. Adoption and Effective Date:** This Intellectual Property Policy (IPP) has been adopted and shall be effective from 20<sup>th</sup> October 2021.
- 3. Governing laws and Regulations**

3.1. The IPP shall be governed by the following laws and regulations as amended from time to time:

### 3.1.1. Patents:

- 3.1.1.1. The Patents Act, 1970.
- 3.1.1.2. The Patents Rules, 2003.

**3.1.2. Copyrights:**

- 3.1.2.1. The Copyrights Act, 1957.
- 3.1.2.2. The Copyrights Rules, 1958.

**3.1.3. Trademarks:**

- 3.1.3.1. The Trademarks Act, 1999.
- 3.1.3.2. The Trademarks Rules, 2002.

**3.1.4. Designs**

- 3.1.4.1. The Designs Act, 2000.
- 3.1.4.2. The Designs Rules, 2001.

**3.1.5. Semiconductor Integrated Circuits**

- 3.1.5.1. Semiconductor Integrated Circuits Layout Design Act 2000.
- 3.1.5.2. Semiconductor Integrated Circuits Layout Design Rules 2001.

**3.1.6.** Such other rules and regulations that relate to this policy that may be made applicable by the Government of India from time to time.

**4. Implementing Body:** This IPP shall be implemented by the IP Policy Committee (IPPC) appointed by the Chairman of TCE. Research Council

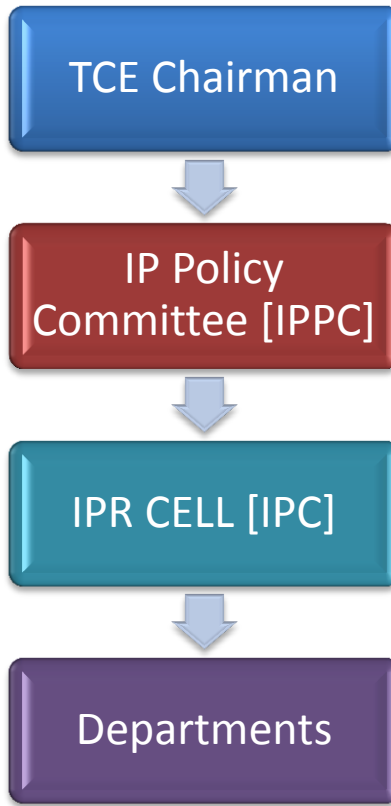
**5. Policy Statement**

- 5.1. TCE shall create IP awareness amongst faculty, students, and researchers.
- 5.2. TCE shall develop, promote and protect all IP created by faculty, students and researchers.
- 5.3. TCE shall implement the necessary system to administer and manage IP.
- 5.4. TCE shall endeavor to commercialize TCE IP and share revenue generated therein with faculty, students, or researchers.
- 5.5. TCE shall not infringe any third-Party IP and maintain the confidentiality of information provided to TCE.

**6. Applicability and Adherence**

- 6.1. This IPP shall apply to all faculty, students, researchers, institutional partner(s), sponsor, alumni, and others associated with TCE and using TCE resources.
- 6.2 The IPC shall ensure that all faculty, students, and researchers sign and consent to adherence to the IPP.

## 7. TCE IP Administration Hierarchy



## 8. IP Policy Committee [IPPC]

**8.1.** The Chairman of TCE shall form an IPPC.

### 8.2. IPPC Members

- a) Principal of TCE.
- b) Dean, Research and Development.
- c) External Member 1
- d) External Member 2

**8.3. Number of Members:** The IPPC shall have a minimum of <4> members and maximum of <7> members at any time.

**8.4. Term of IPPC Members:** Members of IPPC shall have a term of three (3) years from the date of their appointment. The members shall be eligible for reappointment at the end of their term.

## **8.5. Meetings of the IPPC**

- 8.5.1. The IPPC shall meet once in every one year during the academic year. The IPPC may also meet on occasions as may be required.
- 8.5.2. The quorum for the meeting shall be <3> members. Notice of every meeting shall be given at least seven (7) days in advance by the Chairman or any other person, on the Chairman's directions, to the members of IPPC.

## **8.6. Powers of the IPPC**

### **8.6.1. IPPC will have the power to:**

- 8.6.1.1. Appoint/remove members of Intellectual Property Right Cell [IPC], including external consultants.
- 8.6.1.2. Call for the meetings with IPC.
- 8.6.1.3. Seek guidance from experts in all fields relating to IP.
- 8.6.1.4. Carry out modifications to the IPP as may be required.

## **8.7. IPPC Role and Responsibilities**

- 8.7.1. The IPPC shall be responsible for the formulation and monitoring of the effective implementation of the IPP.
- 8.7.2. The IPPC shall provide guidance and directions to the IPC on all IP matters.
- 8.7.3. The IPPC shall provide information on IP to the management of TCE.

## **8.8. Functions of IPPC:** The IPPC shall have the following functions:

### **8.8.1. Managing Function:** The IPPC shall:

- 8.8.1.1. Provide technical and legal advice based on its expertise on IP.
- 8.8.1.2. Provide direction to IPC effectively and appropriately to support IP related activities.
- 8.8.1.3. Monitor the implementation and compliance of the IPP.
- 8.8.1.4. Monitor measures taken to create awareness amongst TCE faculty, students and researchers.
- 8.8.1.5. Monitor measures taken to manage IP.
- 8.8.1.6. Review of Research and Development activities.

**8.8.2. Specialist Function:** The IPPC shall:

8.8.2.1. Provide an insight into the legal aspects, rules, and regulations governing IP.

8.8.2.2. Advice on the course of actions to be taken towards mitigating IP disputes,

8.8.2.3. Provide guidance for negotiation for licensing activities, critical analysis of major agreements or contracts to be entered with third parties.

8.8.2.4. Provide broad guidelines on identifying new IP.

8.8.2.5. Approve all filings for IP Protection.

8.8.2.6. Any other function as may be delegated by the Chairman of TCE.

## **9. IPR Cell [IPC]**

**9.1.** The Chairman of TCE shall form an IPC.

### **9.2. Members of IPC**

**9.2.1.** The IPC shall consist of the following members:

9.2.1.1. Dean Research and Development (R&D).

9.2.1.2. Associate Dean, Sponsored Research and IPR

9.2.1.3. College-level Coordinator, IPR Cell, appointed by the IPPC.

9.2.1.4. College-level Coordinator of Technology Business Incubator (TBI).

The IPPC shall nominate every year one of the IPC member as the Head of IPC.

**9.3. Number of Members:** The IPC shall have a minimum of three (3) members and a maximum of seven (7) members.

**9.4. Term of IPC:** The IPC shall have a term of two (2) years from the date of their appointment. The members shall be eligible for reappointment at the end of their term.

### **9.5. Functions of IPC**

9.5.1. The IPC shall take all necessary steps for implementing the IPP.

9.5.2. The IPC shall take all steps to promote, develop, protect and manage the IP

of TCE.

- 9.5.3. The IPC shall review the research and development activities for identifying potential TCE IP.
- 9.5.4. The IPC shall evaluate and decide whether to protect any IP and recommend the same to IPPC.
- 9.5.5. The IPC shall play a leading role in IP-related activities, including prior art search, proposal, identification, and decision on new inventions and use of rights and countermeasures against third parties.
- 9.5.6. The IPC shall also perform the managing function of filing and prosecuting IP applications, producing documents before the government office(s), maintaining rights, and giving compensation and commendations to faculty, students and researchers.
- 9.5.7. The IPC shall develop an effective system for compliance with IP related laws.

## **9.6. IPC Resources**

- 9.6.1. The IPC shall create and maintain a Standard Operating Procedure Manual [SOP] setting out the best practices relating to IP.
- 9.6.2. The SOP shall contain all necessary and recommended formats of invention/intellectual property disclosure forms, invention assignment forms, confidentiality agreements, memorandum of understandings, and other documents required for the administration of IP at TCE.

## **9.7. Reports to IPPC**

- 9.7.1. The IPC shall submit every quarter the following reports to the IPPC.
  - 9.7.1.1. Status of implementation of IPP.
  - 9.7.1.2. List of SOP's in place and their updates, if any.
  - 9.7.1.3. List of any applications made for registration of IP and their status.
  - 9.7.1.4. Action taken on any notice, order, or communication received from any statutory authority.
  - 9.7.1.5. Summary of audit observations, if any.

9.7.1.6. Details of pending disputes/litigations against TCEIP and its status.

## **10. IP Discovery**

- 10.1. All faculty, students, and researchers are responsible for reporting any potential IP to the IPC.
- 10.2. The IPC shall conduct regular camps and workshops to increase awareness and identify IP created by faculty, students and researchers.
- 10.3. The faculty, students, and researchers shall submit their research outcome in the prescribed form (Given in SOP) to the IPC, if they find any IPR in the projects done. At the IPC's request, students and researchers shall provide all necessary information and assistance for evaluation and identifying any potential IP.
- 10.4. Faculty, students, and researchers are obligated to execute, sign and deliver to TCE necessary documents, invention assignment agreements, or forms at the instance of the IPC.
- 10.5. The IPR Cell will examine the IP application and will then make specific recommendations regarding patentability/Commercial viability/Registration of the proposal. The committee may seek the assistance of experts for this purpose. In all these endeavors confidentiality of the IP shall be strictly ensured.

## **11. General Provisions**

**11.1. IP Awareness:** IPC shall initiate steps to educate and help faculty, students and researchers understand and recognize IP.

### **11.2. Confidentiality**

- 11.2.1. All the faculty, students, and researchers or any person under any contract or agreement with TCE shall maintain confidentiality and not disclose any of the confidential information received during their association with TCE at all times.
- 11.2.2. Except with the prior written consent of IPPC, the receiving person shall not



use the confidential information for his benefit or any other persons' benefit in any manner whatsoever.

**11.3. Third-Party IP:** TCE shall take all the necessary steps to avoid inadvertent infringement of third-party IP.

#### **11.4. Ownership**

11.4.1. The Ownership of all IP developed by TCE faculty, students, and researchers in the course of or pursuant to research and development at TCE using TCE resources or funded by TCE, shall vest with TCE. The respective faculty, students, and researchers shall be named as inventors and assign all IP rights to TCE. Any IP assigned by faculty, students and researchers shall not be reassigned or vested with the individual on ceasing to be associated with TCE.

11.4.2. TCE may consider joint ownership of IP with industry partner(s)/sponsor(s)/alumni further to collaboration agreements and based on the contribution from an industry partner/sponsor/alumni, with the prior written approval of the IPPC.

11.4.3. Any IP created by faculty, students and researchers should be filed in the name of institution only.

**11.5. IP Created by Consultant(s):** Any IP created by Consultant(s) engaged by TCE shall be treated as “work made for hire” and belong to TCE. The IPC shall ensure that documents to give effect to the same shall be signed before the Consultant(s) is engaged to perform any works.

#### **11.6. IP Filing, Prosecution, and Maintenance Expenses**

11.6.1. Before applying for the protection of IP, the IPC shall evaluate the IP for its commercial potential and obtain estimates for the cost of obtaining protection.

11.6.2. TCE shall bear all costs and expenses for IP that is owned by TCE.

11.6.3. In case of jointly owned IP with an industry partner/sponsor/alumni, the cost of filing, prosecuting, and maintaining the IP shall be that of the industry partner/sponsor/alumni.

**11.7. Maintenance of Records:**

11.7.1. The IPC shall be responsible for maintaining proper books and records pertaining to TCE IP.

11.7.2. The IPC shall properly maintain copies of all applications, correspondence, communications with faculty, students and researchers, designs, databases and any documents related to IP.

**11.8. Outside Counsel/Consultant Interaction:** The IPC may decide to engage outside consultant/counsel, if it feels so necessary, with the approval of the IPPC for creating/sustaining awareness or in complying with procedural formalities with government/other agencies or for appearing in cases for/against TCE.

**11.9. IP Audits:** At its discretion, the IPPC shall decide to either nominate one of its members or appoint an external agency to conduct an audit of the records maintained by the IPC.

**11.10. Royalty sharing and Rewards Scheme:** The IPPC shall put in place and notify a policy in relation to royalty/revenue sharing to reward and recognize faculty, students, and researchers who have contributed substantially to the creation/development of any IP.

**11.11. Dispute Resolution**

**11.11.1. Internal Disputes:** Any dispute arising out of creation and utilization of IP and breach of IPP shall be referred to and resolved by the IPPC.

**11.11.2. External Disputes:** Any dispute arising out of creation and utilization of IP with the third parties shall be referred to the IPPC for guidance in consultation with experts in the field.

**11.11.3. Appeal Process:** Faculty, students, and researchers may prefer an appeal to the IPPC against any decision of IPC.

**11.11.4. IPP Breach:** The breach of any of the terms of the IPP by any faculty, students, and researchers shall be subject to disciplinary action.

**11.11.5. Death / Resignation / Retirement of Creator or Employee:** Any IP assigned by faculty, students and researchers to TCE shall not be reassigned and vested with the employee or creator or his/her legal heirs, as the case may be, upon his/her ceasing to be associated with TCE by resignation or retirement or otherwise or due to death, injury or any other act of God.

**11.11.6. Waiver of IPP:** The IPPC, based on the recommendations from the IPC, may waive the applicability of the whole or part of the IPP, as it may deem fit.

**11.11.7. Power to modify IPP:** The IPPC shall consider and approve any modification to the IPP prospectively based on the suggestions received from IPC/ amendments to the rules and laws governing IP.

**11.11.8. Governing Law, Jurisdiction and Arbitration**

11.11.8.1. This Agreement shall be governed by, construed and enforced under the laws of India and Courts in Madurai shall have exclusive jurisdiction.

11.11.8.2. If any dispute arises between the Parties hereunder it shall be resolved amicably through Arbitration. All such Arbitration shall be conducted in accordance with the Indian Arbitration and Conciliation Act of 1996 by a sole arbitrator appointed by TCE.

11.11.8.3. The venue of Arbitration proceedings shall be Madurai and the Arbitration proceedings shall be conducted in English Language.