



MADRAS CHRISTIAN COLLEGE (AUTONOMOUS)

TAMBARAM , CHENNAI - 600 059

IPR POLICY

Deanery - Research and Development

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MADRAS CHRISTIAN COLLEGE**Tambaram, Chennai – 600 059**

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MADRAS CHRISTIAN COLLEGE

INTELLECTUAL PROPERTY RIGHTS (IPR) POLICY

1. Introduction:

Intellectual Property (IP) refers to creations of the mind: inventions; literary and artistic works; and symbols, names and images used in commerce. IP gets protection of law that confers legal rights – the IP Rights (IPRs), for example, patents, copyright, and trademarks etc., are legal conferment. The IPRs enable creators to earn recognition & financial benefit from what they invent or create. An IPR policy is highly essential for protection of innovation and creativity in academia. A well-drafted IPR policy provides structure, predictability, and framework to create, innovate, facilitate the grant of IPRs and commercialize them to take it to the market so that the innovation could be made available to the society.

The National IPR Policy, 2016 is a giant leap by the Government of India to spur creativity and stimulate innovation. It lays the roadmap for the future of IPRs in India. According to the National IPR Policy, a professionally run Cell for IPR Promotion and Management is to be set up in organizations to facilitate its creation, promotion, and commercialization of IP assets. In accordance with the National IPR Policy, Madras Christian College (MCC) formulates a policy for IPs that are developed and advanced within the MCC campus focusing on:

- (i) Fostering innovation and creativity.
- (ii) Dissemination of knowledge and know-hows relating to IP creation, their legal protection and commercialization.
- (iii) Protecting IP rights of faculty members, researchers and students of MCC.
- (iv) Laying down fair and transparent administrative process for ownership control.
- (v) Assignment of IP Rights, and sharing of IP-generated revenues.
- (vi) Promoting collaborations between academia and industry.

The policy seeks to spell out: a) Ownership of IP Rights, b) Aspects of commercialization c) Sharing of benefits thus derived and d) Matters relating to dispute.

2. Definition of terms

- 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 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 colors.
- d) **Industrial Design**- refers to 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, 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, microorganisms.
- 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 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, with 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.
- j) **Inventor(s)** – A person or a group of persons responsible for creating a patent (utility/design). In case, creation of IP is associated with more than one inventor, one of them, from MCC, would function as a Lead Inventor.
- k) **Associated Agreements** – documents created with mutual consent of involved parties defining the rights, roles and responsibilities of each of the parties, for example, Memorandum of Understanding (MoU), Research Agreement, Consultancy Agreement, Non-Disclosure Agreement (NDA), Letter of Intent (LoI), etc.

- l) **Non-Disclosure Agreement (NDA)/Confidentiality Agreement** -The agreement intends to protect proprietary or confidential information among the parties involved in executing an NDA.
- m) **MCC–MRF Innovation Park** - the unit of MCC is an innovation cum incubation centre shall help in promoting partnership with new technology entrepreneurs and start-up companies at MCC, and other industries, and help in technology transfer of commercializable inventions.

3. Scope of the Policy

This policy covers all rights arising from the intellectual property devised, created, or made by the staff in the course of their employment at MCC or by the students and research scholars during their tenure at MCC. The policy covers all IPs arising from academic research including patents, designs, trademarks, copyright, plant varieties, undisclosed information, as applicable.

The policy is to be implemented through the IPR Cell constituted on 18th February 2022, subject to amendment and modification from time to time. IPR Cell is free to adopt and/or implement other strategies and steps as it deems fit, with due approval.

4. Composition of the IPR Cell

- (i) The Principal,
- (ii) Dean – Research & Development,
- (iii) Convenor, MCC – Institution’s Innovation Council (MCC–IIC),
- (iv) Coordinator, College IPR Cell,
- (v) Coordinator, Entrepreneurship Development Cell (EDC),
- (vi) Coordinator, Internal Quality Assurance Cell (IQAC),
- (vii) Head–Operations, MCC–MRF Innovation Park,
- (viii) Legal Coordinator, MCC and
- (ix) Industry experts.

The roles of IPR Cell include: Scouting of potential IPs, assessment of novelty in invention and potential for commercialization and facilitating technology transfer/licensing. IPR Cell shall be responsible to administer all decisive issues related to IP policy and such other relevant matters as may be determined from time to time. The Principal shall be responsible for the implementation of all the recommendations and decisions through the IPR Cell.

5. Aims & Objectives of IPR Cell:

IPR Cell envisions promoting academic freedom and protect the interests of inventor in creation and commercialization of intellectual property with legal and financial support as needed. Furthermore, it also envisions creating a conducive environment for acquiring new knowledge through innovation, thereby developing an attitude of prudent IP management practices. The IPR Cell envisages to provide an environment for academic innovation, R&D excellence, and conduct dedicated programs on IPR for the undergraduate and postgraduate students as well as organize regular IPR counselling programs for research scholars and faculty members.

The objectives of the IPR Cell are to:

- promote academic freedom for commercial innovations, and safeguard the intellectual property at MCC;
- provide a comprehensive support for all intellectual property rights issues relating to intellectual property generated at MCC;
- safeguard the interest of the creator of intellectual property and the interest of MCC, and provide fair distribution of returns accruing from the commercialization of IPR;
- help in introducing prudent IP management practices within MCC to promote an IPR culture;
- provide and seek legal support, wherever necessary, to defend and protect the intellectual property rights obtained by MCC against any infringement/ unauthorized use;
- create an environment for acquiring new knowledge through innovation and research, compatible with the goals of the Institute; and
- help and support in exploring the prospects of commercialization of IPs generated.

6. Functions of the IPR Cell:

IPR Cell shall focus on enabling students, researchers and professors to (i) identify, generate and protect their intellectual property through filing procedures for rights like patents, copyrights, trademarks, designs, etc., (ii) commercialize the intellectual property, which will further foster the creation of a fruitful dynamic system among the institution, investors and industries, (iii) ensure seamless and ceaseless knowledge transfer amongst students and faculty members. IPR Cell shall facilitate, encourage, promote and establish collaborative frameworks for industry–academic institution partnerships at national and international levels to initiate research and development of commercial and socio-commercial values. IPR Cell on a regular basis will encourage researchers to identify solutions for problems faced by the industries and tailor research projects around the same.

The functions of the IPR Cell are:

- MCC–IPR Cell shall create awareness on IPR and drive campaigns for the same, and file or facilitate IP filing.
- IPR Cell will be responsible for conducting IPR Awareness Programs, Self-Training Workshops and Advanced level awareness programs for students, faculty, researchers, etc.
- IPR Cell will coordinate the activities of evaluating, protecting, licensing and managing the IP generated by MCC.
- It shall provide guidance to all MCC personnel and facilitate protection and deployment of intellectual property issues of ownership, confidentiality, suitable advice from experts, disclosure, patentability and transfer.
- An invention will be recommended for patenting only if it is patentable according to national and international patent laws.
- IPR cell members and domain experts approved by the Principal shall decide the commercial value and related aspects on a case-by-case basis.
- The IPR cell shall strive to create a system to avoid misconduct in IPR misuse or plagiarism.
- MCC–MRF Innovation Park shall strive to facilitate commercialization of the IPs. The IPR cell shall assist and co-ordinate in the same.

7. Guidelines for IP generation and protection

- IP relating to patents, trademarks, industrial designs, and semiconductor integrated circuits and plant variety, whether developed by the students, research scholars, post-doctoral researchers, faculty members, or other personnel, shall belong to MCC if the inventor is part of any program or employed with MCC or has utilized the institutional resources.
- Ownership of inventions carried out in MCC by the employees, research scholars and students of MCC, but are employed with another organization at the time of filing the IP, shall vest with MCC. The inventors shall obtain No-objection Certificate (NOC) from their current organization in such cases.
- Inventions carried out by students through their registered start-ups incubated by the MCC–MRF Innovation Park shall be owned by the start-up company and revenue sharing with MCC will be as per incubation policy and agreement.
- For all inventions/patentable works developed by the students, research scholars, post-doctoral researchers, faculty members and other personnel of MCC either independently or in collaboration with external researchers/industries, it is mandatory that the inventor/s has/have to disclose the creative work through the Invention Disclosure Form (IDF) to the MCC-IPR cell.

- If an external organisation is involved in terms of financial, human resource and infrastructure support, inventors from MCC shall facilitate discussion between the MCC and the concerned organisation/s for mutual agreement on shared ownership and shared filing and IP maintenance costs.
- MCC-IPR Cell shall thoroughly review and scrutinize the IDFs and choose potential inventions for IP filing. MCC shall facilitate the filing process until grant and renewal with financial support, and the college may at any time stop supporting the IP application process if the progress of the invention is not satisfactory.
- MCC shall facilitate the IP filing process through various attorney firms, with whom NDA has been signed already. The choice of the patent attorney shall be at the discretion of MCC.
- MCC may decide to stop continuing the financial support for renewal of IPs after the grant, in case there are no potential commercial prospects arising out of the inventions.
- The inventions that are not selected may be amended and resubmitted as fresh IDF application. The college may decide to allow the inventors to file the inventions that are not supported by the IPR Cell on their own based on the advice of the IPR Cell. However, this process has to be carried out with a No Objection Certificate and due permission from the college. In such cases, revenue sharing between the college and the inventors has to be agreed upon through individual agreements as inventions are carried out as part of responsibilities of the employee/student/research scholar and through utilization of space, facilities and infrastructure of MCC.
- Confidentiality shall be maintained till the date of publishing for all the IP-related information that is disclosed to MCC. Once the IPR is ensured, the inventor is encouraged to publish in journals/conferences in the interest of general public.
- Licensing and assignment of IPRs to a third party are the most common modes of IP commercialization. The key difference between licensing and assignment is that assignment involves transfer of ownership, while licensing is limited to permitting certain uses. Further advice on the terms of commercialization will be provided on a case-to-case basis with the help of expert consultancy.
- MCC-IPR Cell and MCC-MRF Innovation Park shall strive to identify potential licensees for the IP to which MCC has partnership/ownership. Inventors are expected to assist the college in transfer of technology and commercialization of IP. MCC may connect to any of the technology management agency, which manages the commercialization of IP.
- The terms and conditions of commercialization shall be agreeable both by MCC and inventors. Upon commercialization, MCC is free to enter into a revenue sharing agreement with the inventor/s as per the advice of the IPR cell. The details of revenue sharing may be decided, based on the type of IP and the nature of commercialization on a case-to-case basis.

- Revenue sharing shall be worked upon only between MCC and the inventor/s based on the agreement. However, the revenue sharing among the inventors shall be based on the individual agreement among the inventors, where MCC shall not be responsible for any arising disputes.
- Filed and granted patents by the above stakeholders shall have to be assigned to Madras Christian College, if they have not been filed through MCC.
- Due credit shall be given to Madras Christian College in all copyrights created using the resources of MCC by the above stakeholders. The creators shall duly inform the college in case of any commercial interests arising from non-academic and academic projects.
- An employee is required to observe the institute's policy on Intellectual Property Rights as may be decided and amended by the IPR CELL from time to time.

8. Disclosure

When the inventors believe that they have generated patentable or commercializable intellectual property using Institute-supported resources or during their tenure at MCC, they shall report it promptly in writing along with relevant documents, data and information, to the MCC-IPR Cell using the Invention Disclosure Form (IDF) of the Institute. Disclosure is a critical part of the IP protection process for claiming the inventorship. The information shall constitute a full and complete disclosure of the nature, particulars and other details of the intellectual property, identification of all persons who constitute the creator(s) of the property, and a statement of whether the creator believes he or she owns the right to the intellectual property disclosed, or not, with reasons. In case of the sponsored and/or collaborative work, the provisions of the contract pertaining to disclosure of the creative work are applied. By disclosure, the inventor(s) shall assign the rights of the disclosed invention to MCC.

9. Confidentiality

- All Institute personnel and non-Institute personnel associated with any activity of the Institute shall treat all IP-related information, which has been disclosed to the IPR Cell and/or whose rights are assigned to the Institute, or whose rights rest with the Institute personnel, as confidential. Such confidentiality shall be maintained till such date as is demanded by the relevant contract, if any, between the concerned parties unless such knowledge is in the public domain or is generally available to the public. Having filled the Invention Disclosure Form (IDF), the creator shall maintain confidentiality i.e., refrain from disclosing the details, unless authorized otherwise in writing by the Institute, until MCC has assessed the possibility of commercialization of the intellectual property.
- Subject to the right of academic freedom, the inventors shall not directly, except in the proper course of their duties, either during or after a period of their appointment, disclose to any third party or use for their own purposes or benefit or the purposes of any third party, any confidential information

about the business of the Institute unless that information is public knowledge or he/she is required by law to disclose it.

- When a third party is interested in commercializing an item of intellectual property on offer after inspecting the relevant Technology Profile, they may approach the IPR Cell of the college. They will be required to demonstrate their capacity to commercialize the technology to the satisfaction of MCC. The Institute will then require the third party to sign contractual confidentiality or secrecy agreements to maintain the confidentiality of all information disclosed, before any further disclosure is made.
- Third parties must obtain authorization in writing from MCC to commercialize the intellectual property. Confidentiality agreements will continue in force even if the commercialization process is aborted at any stage. However, it is recommended that no disclosure should be made if there is any doubt as to the outcome of the commercialization process. All the technology transfer processes will be assisted by legal experts deputed by MCC.
- Creators and/ or Institute personnel must take care not to disclose confidential details of Institute-owned intellectual property in their publications, speeches, or other communications.

10. Non-compliance matters/Dispute

In the event of non-compliance by the inventor/s with respect to regulations of the IPR Policy or any other dispute including infringement on any of the IP related matters or the interpretation of the provisions of the IPR Policy, the matter shall be initially referred to the IPR Cell and it shall investigate the matter thoroughly within a given time frame and with priority. Wherever a settlement is desirable, the IPR Cell shall take all efforts to settle the matter through mediation. If the dispute in question is not one that can be settled through mediation, it shall recommend appropriate remedies to the Principal, whose decision will be final.

Any disputed issue that cannot be resolved shall be referred to a tribunal of Arbitration at the instance of the College or at the request of the inventor or funding agency, agreed upon by both the parties. The decision of this tribunal of Arbitration shall be final between the parties for any disputed issue related to intellectual property, revenue sharing or the interpretation of this policy. All disputes arising from the terms and conditions of any IP-related agreement entered into by the College shall be subject to the jurisdiction of the District Court which has territorial jurisdiction over the place in which the College is located.

11. Support from MCC in IP creation:

- IP awareness programs
- Patentability and preliminary consultation on patenting
- Patent Search
- Facilitation of Provisional/Complete Filing until grant
- Renewal of patent
- Technology transfer / Licensing / Commercialisation
- Facilitation of protection of IPs other than patents
- Collaborative and technology development projects

12. Policy Review

MCC recognizes the importance of revision of policy to ensure that IPR Policy remains relevant, effective, and aligned with the evolving needs and goals of the institution. The Policy may be reviewed for systematic and timely updates annually or when required. To revise and update the policy, the institution shall follow a structured process that involves multiple stages of review and approval, with the responsibility entrusted to the IPR Cell. The process includes:

- a) Internal Review:** The proposed policy revision undergoes an internal review process led by the policy review committee, constituted by the IPR Cell. The committee assesses the proposed changes for their feasibility, impact, and compliance with relevant regulations and best practices.
- b) Stakeholder Consultation:** Solicit feedback from relevant stakeholders, including faculty members, researchers, administrators, and legal or compliance experts. This consultation ensures that diverse perspectives are considered and that the revised policy addresses the needs and concerns of all stakeholders.
- c) Approval and Adoption:** Once the policy revision is finalized, it undergoes an approval process. This typically involves obtaining approval from relevant institutional authorities, such as the research committee, academic council, and executive management. Upon approval, the revised policy is officially adopted and implemented.

MCC-IPR CELL
ANNEXURE
Invention Disclosure Form
(Application for Patent filing)

1. Name of the Faculty/Research Scholar:

2. Inventors' Names, Designation, Affiliation, E-mail and Phone Nos.:

3. Department (Aided/SFS):

4. Details of your patentable invention:

A. Title of Invention:

B. Field of the invention/Background. *Describe the field to which the invention belongs. The present scenario, the approach, and the limitations of the existing techniques.*

C. Describe the invention. *Also mention if the invention is a new process, composition of matter, device or product, system, software, or a combination of these elements? Does the invention provide a new use for, or an improvement to, an existing product or process?*

D. Describe the uses, commercial applications and benefits of the invention.

E. Flow diagram/Line diagram describing the process/product, if any.

INVENTOR'S DECLARATION

I/We hereby declare that all information provided above are true and are derived from my/our own work. I/We am/are fully aware of the terms and further agree to disclose this confidential information with Madras Christian College and also assign ownership of any resulting IP to MCC.

Signature:

Date & Place:



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