

INTELLECTUAL PROPERT RIGHTS CELL



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INTELLECTUAL PROPERTY RIGHTS CELL (IPRC)

The Intellectual Property Rights Cell (IPRC) was established in the Institute on **25.07.2017**. Dr. Rajender Kumar, Professor Department of Business Administration was appointed as coordinator of the cell. Keeping in view, the representation of various Departments/Schools an advisory committee of the following was also constituted:

Sr. No.	Name and Designations	Departments	Email Id
1.	Dr. N P Singh Associate Professor	Electronic & Communication Engineering	nirajatnitkkr@gmail.com npsingh@nitkkr.ac.in
2.	Dr. B. B. Gupta Assistant Professor	Computer Engineering	gupta.brij@gmail.com bbgupta@nitkkr.ac.in
3.	Dr. L M Saini Professor	Electrical Engineering	lmsaini@rediffmail.com
4.	Dr. Chalak Hanuman Devidas Assistant Professor	Civil Engineering	chalahd@nitkkr.ac.in
5.	Dr. Avadhesh Kumar Yadav Assistant Professor	Mechanical Engineering	avadheshyadava@nitkkr.ac.in avadheshyadava@gmail.com
6.	Dr. Anurag Gaur Assistant Professor	Physics	anuragdph@gmail.com
7.	Dr. Sudhanshu Choudhary Assistant Professor	School of VLSI Design	hellosudhanshubit@gmail.com sudhanshu@nitkkr.ac.in
8.	Dr. R P Chauhan Associate Professor	School of Biomedical Engineering	chauhanrpc@gmail.com
9.	Dr. Kapil Gupta Assistant Professor	MCA	kapil@nitkkr.ac.in
10.	Dr. Neeraj Kaushik Associate Professor	MBA	neeraj.kaushik@nitkkr.ac.in kaushikneeraj@gmail.com
11.	Dr. C.R. Mariappan Assistant Professor	School of Material Sciences and Technology	crm@nitkkr.ac.in
12.	Dr. Ram Kumar Tittal Assistant Professor	Chemistry	rktittaliitd@nitkkr.ac.in rktittaliitd@gmail.com

The prime aim of the IPR Cell is to disseminate IPR literacy and to equip the faculty members of the institute with the knowledge of the nature, importance, relevance and role of various IPRs. The IPR Cell, since its inception, has taken the following various initiatives:

- A One Day workshop on **The process of Patent Filing** on 19th August 2017 (Saturday).

The resource persons for the workshop were:

1. Shri Avinash Kumar, Scientist 'F', Additional Director, DRDO.
2. Dr. Nidhi Sandal, Scientist 'E', Additional Director, DRDO.

The workshop was attended by all Deans & HODS, the faculty members, research scholars of the Institute and outside the Institute.

- A One Day Training Program on the Patent search was organized by The Technology Information Forecasting and Assessment Council (TIFAC) New Delhi on 22.09.2017. Fifteen faculty members and three Research scholars attended this program.
- The IPR Cell is in a process to organize various activities in collaboration with Patent Controller General of Patents, Design and Trade Marks, Department of Industrial policy & Promotion, Ministry of commerce & Industry, Government of India, Davarika, NRDC (National Research Development Corporation) Government of India, Department of Science and Technology New Delhi, Science & Technology Department, Haryana.
- In order to encourage and facilitate for filing the patent by the faculty and students, the Institute has engaged the following two firms for a period of One year (12.10.2017 to 11.10.2018):
 1. Lex Orbis Consulting Private Limited, New Delhi. 709/710, TOLSTOY House, 15-17, TOLSTOY Marg, New Delhi- 110001,
Email Id: deepak@lexorbis.com, Contact No: T: +911123716565 | F: +911123716556
 2. Lakshmi Kumaran & Sridharan, B-6/10 Safdarjung Enclave, New Delhi- 110029,
Email Id: malathi.l@lakshmisri.com,
Contact No: +919818301173, T: +91(11) 46063300/333

- The IPR Cell has prepared the following database about the status of Patents Filed/Granted by Faculty of NIT Kurukshetra:

Sr. No.	Name of Inventor/Department	Title of the Invention	Patent filing/ Granting Numbers
1.	Dr. Avadhesh Yadav Mechanical Engineering.	Composite desiccant material for the production of fresh water from atmospheric air.	1566/DEL/2015
			01/06/2015 (Filing) Publication: 02/12/2016 Status: Published
2.	Dr. Hari Singh Mechanical Engineering.	Heat Treatment Tray FOR Hardening of Steel	254948
			(Granted) 07/2013
3.	Dr. Hari Singh Mechanical Engineering .	Intelligent Induction Hardening Device and Method Thereof	2269/DEL/2012
			(Granted) 02/2014
4.	Dr. Punit Mechanical Engineering .	Design Registration of Wheel Chair	253848
			(Granted) 09/2014
5.	Dr. Lalit Thakur Mechanical Engineering .	Self-Adjustable Gimble Shoulder Retractor Pin Friction Stir Welding Tool	201511042866
			(Filing) 15/12/2016
6.	Lalit Mohan Saini, Rakesh Palani Electrical Engineering .	System and method for detection, prevention of accidents, faults and theft of power on distribution lines and automation.	665/DEL/2007
			(Granted) 08/12/2008, Patent No. 225783

7.	Lalit Mohan Saini, Rakesh Palani Electrical Engineering .	System for controlled transfer of liquid from supply line sources or source reservoir to destination reservoirs or supply lines	1502/DEL/2007
			(Granted) 14/11/2014, Patent No. 263703
8.	Soon Hyeok Hong, Subhash Chandra Ghosh, Yao Zhang, Senthilkumar Muthaiah, Cheng Chen, Xiangya Xu Chemistry	Process of forming an amide	13/496,466
			(Granted) US Patent 9,334,230, 2016
9.	Dr. R.P. Chauhan and Amit Kumar Physics	Technique for the Preparation of Radon Gas Resistant Material for Dwellings	No. 3900/DEL/2012 dated 18-12-2012
			(Filing) Published on 10-05-2013 & 14-06-2013, awaiting Examination
		Methodology for preparing Radon Gas shielding using Silika Fumes	No. 1331/DEL/2013 dated 06-05-2013
			(Filing) Published on 10-05-2013 & 14-06-2013, awaiting Examination
10.	Prof. V. P. Singh Civil Engineering	Apparatus for Testing a Structural Specimen Subjected to Bending and Torsion	2007; 213751
			(Granted) 2007
		System for Analysing the Reliability of Structural Elements	2007; 225493
			(Granted) 2007

11.	Baldev Setia, D.V.S Verma, Vikas Garg Civil Engineering .	Multiple Collar Plates: A Composite Scour Protection Device	1375/DEL/2005 (Granted) 31.07.09, 199932
	Baldev Setia, T.Gangadharaiah , M. Muzzammil Civil Engineering .	Method of Visualization of Scour Mechanism by Mud Flow	1376/DEL/2005 (Granted) 31.07.09, 199933
	Baldev Setia, T. Gangadharaiah Civil Engineering .	Apparatus and Method of Flow Visualization Using Wet Paint Technique	1377/DEL/2005 (Granted) 31.07.09, 199934
	Baldev Setia, Upain K Bhatia Civil Engineering .	Projected Lip as a Scour Protection Device for Bridge Abutments	1722/DEL/2013 (Filing) 04/2013 Under Examination
12.	Nikhil Marriwala, O. P. Sahu, Anil Vohra	Wi-Fi based Transceiver Using LabVIEW for Software Defined Radio,	439/CHE/2015 30/01/2015, (Filing) Published Date: 06/02/2015, Status: Published
No. of Patent Filing: 6		Total No. of Patent: 17	
No. of Patent Granted: 11			

- The following faculty members and a research scholar has very recently filled the Patents through **Lex Orbis Consulting Private Limited, New Delhi**, which are under filing process:

1. **6411IN001** /Patent No. 1 entitled “**Design Principle, Calculations and Fabrication of a small size Scheffler solar concentrator for domestic applications**” by: Dr. Avadhesh Kumar Yadav, Assistant Professor, Department of Mechanical Engineering.
2. **6411IN002** /Patent No. 2 entitled “**Concentrated Solar Power Collector with Convex Lenses for Water and Air Heating**” by: Dr. Rajneesh, Assistant Professor, Department of Mechanical Engineering.
3. **6411IN003** /Patent No. 3 entitled “**Three Channel Flat Plate Liquid Desiccant Dehumidifier for Human Comfort Conditions**” by: Dr. Rajneesh, Assistant Professor, Department of Mechanical Engineering.
4. **6411IN004**/ Patent No. 4 entitled “**Universal FES Fixture for Vertical Milling Machine**” by: Jitender kundu, Research Scholar, Department of Mechanical Engineering.

- The IPR policy for the Institute was framed in the year 2007-08. Recently the IPR Cell has reframed the IPR policy for the Institute as per the guidelines mentioned in the new IPR policy 2016, declared by Govt. of India. (Revised IPR Policy attached).

Revised
Intellectual Property Policy for NIT, Kurukshetra
December, 2017

Preamble

The first Intellectual Property (IP) policy for the Institute was formulated in 2008. In the last few years, a number of new initiatives and issues have happened, with the enhanced growth in research and development. In view of the experience obtained during this period, in commercialization, incubation, international collaboration, distance education courses and student related issues, it was decided to review the current policy and suggest changes as appropriate. Also, it is in consonance with the National IPR Policy of Govt. of India 2016.

In order to facilitate faculty, staff and students of Institute in a proactive manner in the generation, protection and transaction of Intellectual Property which offers potential scope for shared benefits to both institute and inventors, an IPR Cell has been established in NIT Kurukshetra.

This document is the revised IP Policy for the Institute.

The Scope of NIT Kurukshetra IP Policy

This policy is applicable to all NIT Kurukshetra personnel as well as non-NIT Kurukshetra personnel associated with any activity of NIT Kurukshetra, including visiting faculty/ student/ industry personnel/ research personnel and covers different classes of Intellectual Property - Patent, Copyright, Trade Mark / Service Mark, Design Registration, Trade Secret, Confidential Information and Integrated Circuit layouts.

(I) Ownership

I (a) Invention(s), Designs, Integrated Circuit Layouts and other creative works

Invention(s) including software, designs and integrated circuit layouts, created by NIT Kurukshetra personnel without the use of significant NIT Kurukshetra resources and not connected with the profession for which employed at NIT Kurukshetra, shall be owned by the creator(s).

For Invention(s) including software, designs and integrated circuit layouts, produced during the course of sponsored and/or collaborative activity, specific provisions related to IP made in contracts governing the collaborative activity shall determine the ownership of IP.

NIT Kurukshetra shall be the owner of all invention(s) including software, designs and integrated circuit layouts created by team/ individual of NIT Kurukshetra and non-NIT Kurukshetra personnel, associated with any activity of NIT Kurukshetra. Non-NIT Kurukshetra personnel, who create invention(s) including software, designs or integrated circuit layouts at NIT Kurukshetra but without intellectual contribution of NIT Kurukshetra personnel or without significant use of NIT Kurukshetra resources, shall be the owner of such invention(s).

Except as stipulated above, NIT Kurukshetra shall be the owner of all invention(s) including software, designs and integrated circuit layouts created at NIT Kurukshetra, or any such application covered under prevailing IPR Laws of India.

I (b) Copyrightable Work

1. Ownership of copyright of all copyrightable work shall rest with the author(s) with the following exceptions:
 - a. If the work is produced during the course of sponsored and/or collaborative activity, specific provisions related to IP made in contracts governing such activity shall determine the ownership of IP.
 - b. NIT Kurukshetra shall be the owner of the copyright of work, including software, created by NIT Kurukshetra personnel with significant use of NIT Kurukshetra resources.
 - c. NIT Kurukshetra shall be the owner of the copyright on all teaching material developed by NIT Kurukshetra personnel as part of any of the academic programs at NIT Kurukshetra. However, the authors shall have the right to use the material in her/his professional capacity. As the traditional exception, NIT Kurukshetra shall not claim ownership of copyright on books, publications and presentation materials authored by NIT Kurukshetra personnel.
 - d. NIT Kurukshetra shall be the owner of copyright of work produced by non NIT Kurukshetra personnel associated with any activity of NIT Kurukshetra with the intellectual contribution of NIT Kurukshetra personnel. However, the authors shall have the right to use the material in her/his professional capacity.
 - e. In case any NIT Kurukshetra employee wants to obtain any kind of ownership of IPR in individual capacity, must seek prior approval from the Competent Authority of the Institute.
 - f. The Copyright for E-contents and Online Lectures, developed by the employee of the Institute will remain with the author.

2. The NIT Kurukshetra shall not claim ownership of copyright on books, publications and presentation materials authored by NIT Kurukshetra personnel.
3. The Ph.D. student is the original creator of the thesis, with relevant contribution of the supervisor(s) and the copyright authorship rests with the student. The ownership is jointly held by the student creator and the supervisor(s) concerned. NIT Kurukshetra reserves all rights to display the thesis in soft and hard forms.

I (c) Trade Mark(s) /Service Mark(s)

Ownership of trade mark(s)/service mark(s) created for/by NIT Kurukshetra shall be with NIT Kurukshetra.

(II) Disclosures, Confidentiality and Assignment of Rights

For sponsored and/or collaborative work, the provisions of the contract pertaining to disclosure of creative work will be applied. Besides the above, the ownership of the Patent/ Copyright will be applicable jointly by NIT Kurukshetra and the collaborator(s), as the case may be.

For all other invention(s) produced at NIT Kurukshetra, if the inventor(s) wish to protect the invention(s) they produce, then they are required to disclose the creative work to the IPR Cell at the earliest date using an Invention Disclosure form (IDF).

All NIT Kurukshetra personnel and Non- NIT Kurukshetra personnel associated with any activity of NIT Kurukshetra shall treat all IP related information which has been disclosed to the IPR Cell and/or whose rights are assigned to NIT Kurukshetra, or whose rights rest with NIT Kurukshetra personnel, as confidential. Such confidentiality shall be maintained till the date as 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.

(III) Assessment of Innovation(s) for Protection

Any work to be protected will be informed to the IPR Cell which will recommend:

- I. that NIT Kurukshetra shall take the responsibility of protection of the IP, in which case, NIT Kurukshetra will initiate appropriate processes.
- II. that NIT Kurukshetra shall not take the responsibility of protection of the IP, in which case, the rights to the disclosed invention shall be promptly reassigned to the creator(s). The creator(s) may then choose to protect the creative work on their own.

Filling of IP Applications in India: The applications for IPR will be handled by the Attorney on Institute Panel, assigned through IPR Cell. No fee will be charged from the applicant.

Filling of IP Applications in foreign countries: within six months of filling the complete IP Application in India, NIT Kurukshetra shall, based on available information decide to the suitability of protection of the inventions in foreign countries. If NIT Kurukshetra opts not to undertake such protection in any specific country requested by the inventor(s), NIT Kurukshetra shall assign rights of the IP in that country to the creator(s) for the purpose of such protection.

Renewal of IP Rights: A decision on the annual renewal of IP Rights will be taken by IPR Cell. If NIT Kurukshetra shall not to renew the IPR in any country, then it will assign rights of the IP in that country to the creator(s) upon a request to that affect from the creator(s). In case of Patents, the process reassignment will be completed in a period of three months before the due date for its renewal. In all cases where IP rights in any specific country have been reassigned to the inventor(s), NIT Kurukshetra shall not claim any share of proceeds earned through that IP in that country expecting for the costs already incurred by NIT Kurukshetra.

(IV) Support

IV (a) Contracts and Agreements

All agreements including but not limited to the following categories, undertaken by any NIT Kurukshetra personnel and students need to approved by NIT Kurukshetra.

1. Allegiance, Affirmation & Confidentiality Agreement
2. Consultation Agreement
3. Evaluation Agreement
4. Research and Development Agreement
5. License Agreement
6. Technological Transfer Agreement
7. Alternative Dispute Resolution Agreement
8. Classified Information Non-disclosures (specific) Agreement

Director will be the final signing authority in all the categories of agreements listed above.

(V) Technology Transfer

NIT Kurukshetra shall strive to market the IP and identify potential licensee(s) for the IP to which it has ownership. The creator(s) are expected to assist in this process. NIT Kurukshetra may contract the IP to a Technology Management agency, which manages the commercialization of the IP.

For the IP for which exclusive rights have not been already assigned to a third party, the creator(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.

If NIT Kurukshetra is not able to commercialize the IP in a reasonable time, then it may reassign the rights of the IP to the creator(s) of the IP.

(VI) Revenue sharing

The net earnings from the commercialization of IP owned by NIT Kurukshetra would be shared as follows:

Case	Net earnings	Inventor(s)' share	NIT KURUKSHETRA's share
1	For the first amount Q	70%	30%
2	For the next amount Q	60%	40%
3	For the amounts more than 2Q	50%	50%

It is suggested that amount Q be initially fixed at Rs. 50 lakhs. The creator(s) share would be declared annually and disbursement will be made to the creator(s), their legal heir, whether or not the creators are associated with NIT Kurukshetra at the time of disbursement and/ or as per the agreement. The above share distribution will be reviewed periodically.

(VII) Infringements, Damages, Liability and Indemnity Insurance

As a matter of policy, NIT Kurukshetra shall, in any contract between the licensee and NIT Kurukshetra, seek indemnity from any legal proceedings including without limitation,

manufacturing defects, production problems, design guarantee, up-gradation and debugging obligation.

NIT Kurukshetra shall also ensure that NIT Kurukshetra personnel have an indemnity clause built-into the agreements with licensee(s) while transferring technology or copyrighted material to licensees. NIT Kurukshetra shall retain the right to engage or not in any litigation concerning patents and license infringements.

(VIII) Conflict of Interest

The inventor(s) are required to disclose any conflict of interest or potential conflict of interest. If the inventor(s) and/or their immediate family have a stake, in a licensee or potential licensee company then they are required to disclose the stake they and/or their immediate family have in the company. A license or an assignment of rights for a patent to a company in which the inventors have a stake shall be subject to the approval of the IPR Cell taking into consideration this fact.

(IX) Dispute Resolution

In case of any dispute between NIT Kurukshetra and the inventors regarding the implementation of the IP policy, the aggrieved party may appeal to the Director of NIT Kurukshetra. The Director shall be assisted in this regard by IPR Cell, including one representative of the aggrieved party. The Director's decision in this regard would be final and binding.

(X) Jurisdiction

As a policy, all agreements to be signed by NIT Kurukshetra will have the jurisdiction of the courts in Kurukshetra and shall be governed by appropriate laws in India.

Glossary

- 1) **"Author"** means faculty, students, staff or visiting faculty who has/have written or created a creative work.
- 2) **"Collaborative Activity"** is the research undertaken by NIT Kurukshetra' personnel in cooperation with industry and/or another researcher(s) who are not NIT Kurukshetra personnel.
- 3) **"Confidential Information"** information not in the public domain and declared confidential by parties as such in MOU/Agreement that has been signed by the parties.
- 4) **"Conflict of Interest" or a "Potential Conflict of Interest"** exists when an inventor/author is or may be in a position to use either creative work or influence for unmerited personal or family gain.
- 5) **"Copyright"** means the exclusive right granted by law for a certain period of time to an author to reproduce, print, publish and sell copies of his or her creative work.
- 6) **"Copyrightable Work"** is a creative work that is protectable under copyright laws. Copyright protection is available for most literary, musical, dramatic, and other types of creative work, including software, teaching materials, multimedia works, proposals, and research reports.
- 7) **"Creators/ Inventors"** are persons who have produced any original work.
- 8) **"Cumulative Earning's"** from a patent/patent application.
- 9) **"Design Registration"** Registration of the novel non-functional features such as shape, or ornamentation of a product.
- 10) **"NIT Kurukshetra personnel"** includes but is not limited to the faculty, students, staff or visiting faculty, researchers and scientists at NIT, Kurukshetra.
- 11) **"Intellectual Contribution"** means original technical or artistic contributions.
- 12) **"Intellectual Property"** includes but is not limited to copyrights and copyrightable materials, patented and patentable inventions, tangible research results, trademarks, service marks and trade secrets.
- 13) **"IPR Cell"** is formed by the Director to implement the Institute IPR Policy, consisting of a Coordinator and a team of faculty members from different departments/ schools.

14)"Invention" includes but is not limited to any new and useful process, formula or Machine conceived or first reduced to practice in whole or in part, defined within the purview of the Patent Act. Inventor(s) and person(s) who produce and invention.

Institute refers the National Institute of Technology Kurukshetra

15)"Licensing" is the practice of renting the intellectual property to a third party.

16)"Net Earnings" Earnings resulting from the licensing or commercialization of the IP, reduced by the outstanding actual expenses incurred in obtaining and commercialization of the IP.

17)"Patent" means the exclusive right granted by law for making, using or selling an invention.

18)"PCT Application" A PCT is a system of filing a patent application in several countries through a single application keeping the priority of the first filing in any of the countries within the PCT system. This is administered by the World Intellectual Property Organization (WIPO) in Geneva. It is not a patent granting system.

19)"Protection of Layout of Integrated Circuits" Layout scheme of integrated circuits that are functionally important.

20)"Royalty" is the payment made to an inventor/author or an institution usually for legal use of a patented invention or any Intellectual Property when licensed.

21)"Significant Use of NIT Kurukshetra Resources" is any usage of NIT Kurukshetra resources in the creation of the invention(s), excess of the routine use of office facilities, computers, library resources and resources available to the general public.

22)"Software" means anything executable in a computer.

23)"Teaching material" means any material that aids the process of teaching.

24)"Trade Mark/Service Mark" is a distinctive word, symbol or picture or a combination of these, which is used by a business entity to discriminate its products and services from those of other business entities.

"Trade Secret" Usually some information such as know-how of commercial or strategic value