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HORTICULTURE AND FORESTRY

PATENT AND LICENSING POLICY



Preamble

*The foundation of societal advancement lies in innovation. Universities are not only repositories of innovation but also provide thought leadership on scientific, ethical and social issues which confront society when advancements take place due to innovations. Innovations and patents are intricately linked. Patents help to create ownership over innovations and facilitate investments and commercialization. Patents help in dissemination of knowledge owing to legal requirement for open publication and create respect and recognition for the innovators and the institutions in event of commercialization owing to technologically advanced products, which benefit the society. However, in absence of policies, patent filing and licensing in a university faces immense challenges and conflicts, which hinders growth and development of innovation and leads to a large number of patents remaining unexploited. To address these issues in a holistic and also to catalyze innovations and creativity amongst its students and staff members in larger public interest, Dr YS Parmar University of Horticulture and Forestry, Nauni –Solan (hereinafter referred to as 'YSPUHF') has framed a '**Patent and Licensing Policy**' for all its students, faculty and staff members as per the clauses below:*

Clause 1

- a. **Policy execution:** For execution of this policy, the YSPUHF approves setting up of an independent office termed as 'Intellectual Property Rights Cell' or IPR cell directly under the control of Director Research. As innovation is not confined to any one area and may emanate from different areas of knowledge, e.g. life sciences, engineering, social sciences, basic sciences, etc., the IPR cell has been proposed as an independent entity, not linked to any single department. Secondly, innovation management being a sensitive area involving policy decisions, the cell has been placed under direct control of the highest authority to enable quick decisions and removal of hurdles at top level, so that innovations are not hindered and seamless development of innovative products is facilitated in larger public interest.
- b. **Budget allocation:** An initial annual budget of Rs. 5 lacs only (Rs. Five Lacs only) shall be allocated to meet expenses of fees of the attorney and government for actual patent filing and further processing. Once the budget is used, it will be replenished by the Comptroller of University. However, the possibility of funds for this purpose will also be explored from the externally funded projects where possible. Directions to all faculty members are issued by the Directorate of Research for keeping budgetary provisions for patent filing in all the ad hoc projects to be submitted to different funding agencies.

Clause 2

- a. **Scope of support:** Under this policy, YSPUHF will duly provide professional and financial assistance to all its students and staff, for patent filing; subsequent prosecution, grant and maintenance in India; and licensing of the patents. Dr YS Parmar University of Horticulture and Forestry will pay maximum 70 per cent of

*the fee required (restricted to maximum of Rs 15000) for filing of the patent through empanelled Patent Attorneys for the filing of first 100 patents and thereafter maximum 50 per cent (Restricted to a maximum of Rs 10,000) of the patenting fee will be paid by the University. However, there will be provision of full support for the **Copy Rights, Trade Marks and License Fees** needed for any invention, products, process or theoretical concepts and related protected items/ themes. A prior administrative approval and expenditure sanction will be sought through completion of codal formalities that is routing of application through IPR cell to the Director Research. The office of Director Research will seek administrative approval and expenditure sanction from the Hon'ble Vice Chancellor through routing the application to Comptroller's office. **Each patent will be considered equivalent to one research paper of 6.00 NAAS rating.***

International patenting: For international patent filings either under the Patent Co-operation Treaty or directly in USA, Europe or other countries, decision will be taken by the YSPUHF on case-to-case basis, subject to evaluation of licensing potential, financial inputs needed and also availability of funds. YSPUHF may in due course create a separate fund, either from its own resources or external grants to facilitate and fund international patent filings also, without any burden on inventors. Dr YS Parmar University of Horticulture and Forestry will pay 70 per cent of the fee required (restricted to maximum of Rs 70,000) for filing of the patent through empanelled Patent Attorneys for the filing of first 20 patents and thereafter 50 per cent (Restricted to a maximum of Rs 50,000) of the patenting fee will be paid by the university. **Each patent will be considered equivalent to two research papers each with 6.00 NAAS rating.**



b. **Ownership of patents:** All patents will be filed in the name of YSPUHF as an assignee or owner. In return for assigning their patent rights to the University, the inventors shall get a share in the royalty earning from commercialization of the patent as below.

- **Inventor share in case of patent licensing/commercialization:** The royalty from patents will be shared between inventors and YSPUHF in ratio of 10:90. The 90 per cent share of revenues from the patent will be payable to YSPUHF as long as patent is in force and 10 per cent share will be given to the inventors to be shared between them, as per sharing agreement mutually agreed upon amongst themselves before filing of the patent and submission to the YSPUHF at the time of patent filing. The YSPUHF royalty share will be utilized to promote innovations and set up a YSPUHF 'Revolving Innovation Fund' to make patenting and licensing of inventions self-sustaining in the long run.

c. **Transfer of patents in name of inventors/companies set up by inventors/third party:** In case inventors wish to get granted patents assigned to themselves or in name of the companies to which the patents are licensed, they may do so by refunding to the University, the actual expenses incurred on patenting, till that date as per available receipts, and agree to pay 90 per cent share on revenues earned from the patent or pay the YSPUHF a one time lumpsum amount as mutually agreed upon.

d. **Abandonment of patents/patent applications:** For granted patents/patent applications, which are not licensed out or commercialized within five years from date of filing, the YSPUHF may at its discretion decide to abandon the same or ask the inventor to bear further expenses on maintenance, if inventors(s) want the same to be maintained.

e. **Monitoring of revenues and payment of royalties to inventors:** Monitoring of revenues, collection of royalties relating to patents licensed out and dispatch of royalty to inventors will be duly carried out by IPR cell, for which the cell will duly maintain accurate accounts in a fair and transparent manner. These shall be open for inspection of the inventors during office hours, with one-day prior notice.

f. **Acknowledgement of YSPUHF Contribution:** Products emanating from patents filed by the YSPUHF will carry name and logo of the University, as per the brand guidelines provided by the University.

g. **Amendment of the policy affecting rights of the inventors:** Any amendment of the policy affecting the right of inventors in terms of share in revenue will be applicable prospectively and not retrospectively. For patents already filed under existing policy, revenue sharing pattern of 10 per cent to inventors and 90 per cent share to YSPUHF 'Innovation Revolving Fund' will not change.

Clause 3

Patents can be filed by Students, Faculty and Staff of the YSPUHF either for their Research Work (Graduation, Master's, Doctoral or externally funded projects) or individual innovative ideas, not necessarily based on research.

Clause 4

Modalities for patent filing

- For students, faculty and staff members who wish to file patents, the idea must first be disclosed to the Patent Officer- IPR Cell, using a standard 'PATENT INFORMATION EXTRACTION' (PIE) form available with the office/server.
- Based on information disclosed in PIE form, Patent Officer will get innovation vetted professionally at the earliest but not later than 30 days, from Patent Attorney empanelled by university. In case idea is patentable, IPR cell will then display an open notice (disclosing the title of the patent and names of the inventors) inviting objections if any, within 2 weeks from display. This is to avoid conflicts in case name of any member is left out.
- If no objections are received, patent for the invention will be filed by the YSPUHF. In case objections are received, the matter will be taken up and resolved by the Director Research. The Hon'ble Vice Chancellor will be the final authority to take decision, if not resolved at Directorate of Research then, decision of the Hon'ble Vice Chancellor will be final and binding on all.

