



NOORUL ISLAM CENTRE FOR HIGHER EDUCATION

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NICHE Intellectual Property Policy

Introduction

The Noorul Islam Centre for Higher Education (NICHE Deemed to be University), Kumaracoil (hereinafter referred to as 'the NICHE') is dedicated to teaching, research and dissemination of knowledge to society. The NICHE was established in September 2008 by an Act under the Section of 1956 UGC Act with the objectives 'to facilitate and promote academics and research in emerging areas of higher education with a focus on new frontiers of Engineering, Technology, Science and Management Studies and also to achieve excellence in these and connected fields. NICHE's faculty, research scholars, students, and other personnel are actively engaged in diversified research and development activities. Many of these activities lead to different forms of Intellectual Property (IP), which are likely to be commercially exploited unless protected by IP Rights (IPRs).

IP refers to creations of the mind of any person, such as inventions, literary and artistic works, symbols, designs, names, logos and images. IP is protected in law by, for example, patents, copyrights and trademarks, also called IPRs, which enable people to earn recognition or financial benefit from what they invent or create. An intellectual property rights policy is the cornerstone of innovation and creativity for academia. It provides structure, predictability, and a framework for talented minds to do what they do best: create and innovate. Governments of various countries protect the innovative ideas of inventors through IPR. Recently, IPR has become a central issue in developed and developing countries. The IP policy of NICHE is expected to fulfil the commitment of the NICHE in order to promote academic freedom and provide a beneficial environment for research and development.

The NICHE IPR Cell was established to raise awareness and assist academicians, researchers, entrepreneurs, and innovators in identifying, protecting, and managing IPR effectively. This cell is actively involved in educating the community on the importance of IPR for various communities under NICHE BRDC.

Objectives

The Objectives of the Policy are as follows:

- a) To promote academic freedom and safeguard the creation of IP at NICHE;
- b) To provide a comprehensive single window reference system for all IPR issues relating to IP generated at NICHE;
- c) To maintain the interest of the creator of IP and provide a fair distribution of returns accruing from the commercialization of IPR;
- d) To help in introducing prudent IP management practices within the NICHE to promote an IPR culture;
- e) To provide legal support to defend and protect the IPRs;
- f) To create an environment for acquiring new knowledge through innovation and research,
- g) To promote more collaborations between academia and industry through better clarity on IP ownership and IP licensing.
- h) To ensure that once they decide to explore the prospects of commercialization of IP, they must disclose it to the NICHE while continuing to keep the information confidential until patent applications are being processed and
- i) To establish an IP cell to support all innovation, creativity, and IPR-related initiatives of students, research scholars, and faculty members.

Service of IPR Cell

The services of IPR cell includes:

- a) Patents (Design Patents and Filling of Patents)
- b) Copyrights
- c) Trade/Service Marks
- d) Industrial Designs
- e) Software Programmes
- f) Technology Transfer
- g) Commercialization
- h) Prototype Models
- i) Business Models
- j) Geographical Indications

a) Patents (Design Patents and Filling of Patents)

All inventions, whether made by student/ researcher/ faculty, developed by utilizing the resources of the academic institution, or with the mix of funds, resources and/or facilities of the academic institution, shall ordinarily be vested with the academic institution.

• Ownership of IP

NICHE shall be the owner, with the creators specially stated as inventors for all the IP inventions, software designs, and products created by those who include faculty members, research scholars, students, and those who use NICHE's resources.

Inventions created by NICHE personnel without using NICHE resources and outside their assigned/normal duties/areas of research /teaching shall be owned by the creators, and the revenue generated from such creations shall be shared in the ratio of 70:30 between the creator and NICHE,

respectively. If an IP has emerged as a result of an Institutional/Industrial Consultancy sponsored by NICHE, the concerned industry and NICHE shall own the IP and an MoU can be initiated. Depending on the IP content, computer software may be patented, copyrighted, or trademarked.

- ***Internal Evaluation***

NICHE IPR cell will coordinate the activities of evaluating, protecting, licensing and managing the IP generated by NICHE. Further, it shall provide guidance to all NICHE personnel and facilitate protection and deployment of IP issues of ownership, confidentiality, useful advice from experts, disclosure, patentability and transfer. An invention will be patented only if it has commercial value and viability for production and marketing. A patentability committee shall decide the commercial value and related aspects on a case-by-case basis. To the best of its knowledge, the committee shall also act to avoid scientific misconduct in NICHE's research and developmental activities.

- ***Publication Based on IP***

Patent protection must be filed for patentable IP before it is published or disclosed in any other form of public domain.

- ***Patent Filing Process***

The Creators/Inventors may directly apply provisional patent applications arising from NICHE projects/research activities after obtaining formal permission from the NICHE IPR Cell at their own Cost or with the support of NICHE.

- ***Maintenance of Patents***

For inventions developed at NICHE with NICHE personnel and inventors who wish to protect the invention, the creator must disclose the creative work using Indian Patent Office guidelines.

- ***Patent Fee***

At its discretion, NICHE can either continue the patent by paying the fees for its full term or withdraw its application for patent protection.

- ***Transfer of IP***

NICHE shall strive to identify a potential licensee for the IP it owns. Generally, creators are expected to assist in the transfer of IP.

- ***Revenue Sharing***

The revenue sharing arrangements are detailed below: 60% (sixty per cent) of the total revenue (lump sum payment, royalty, or any other form) accruing from the commercial exploitation of IP owned by NICHE shall be credited to creators, and 40% of the revenue shall be credited to NICHE.

- b) Copyrights**

NICHE shall be the owner of all copyrighted works, such as books, articles, monographs, lectures, and speeches, including software and all connected teaching materials designed and developed by NICHE employees.

- c) Trade/Service Marks**

The ownership of trademark(s)/ service mark(s) created for the NICHE shall be with the NICHE. In cases of all IP produced at the NICHE, the NICHE shall retain a non-exclusive, free, irrevocable license to copy/ use IP for teaching and research activities, consistent with the confidentiality agreement(s), if any, entered into by the NICHE. The authorities responsible on behalf of the

NICHE and creators have the responsibility to ensure that any association with the NICHE implied by third parties is accurate and the activities with which the NICHE is associated through third parties maintain standards consistent with the NICHE's educational purpose.

d) Industrial Designs

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, separated 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) Software Programmes

The codes developed by the NICHE researchers, students and faculty are not usable by a second party without permission.

f) Technology Transfer

The NICHE 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. The NICHE may contract the IP to Technology Management Agencies (Government/Private), 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.

g) Commercialization

NICHE will bear all expenses for obtaining and maintaining statutory rights in NICHE-owned intellectual property and will take steps to commercialize all NICHE-owned property in a timely manner.

NICHE will license, at its discretion, NICHE-owned intellectual property for commercialization through third parties who may or may not be the creator through the grant of exclusive/ non-exclusive licenses or assign its ownership rights to third parties/creators, safeguarding the interests, financial or otherwise, of NICHE.

h) Prototype Models

Invention(s), especially integrated circuit layouts created by the NICHE personnel without significant use of the NICHE resources and not connected with the profession for which he/she is employed at the NICHE, shall be owned by the creator(s). For invention(s), especially integrated circuit layouts produced during the course of sponsored and/or collaborative activity, specific provisions related to IP made in contracts governing the collaborative activities shall determine the ownership of IP. The NICHE shall be the owner of all invention(s), especially integrated circuit layouts, created by a team of the NICHE and non-NICHE personnel associated with any activity of the NICHE. Non-NICHE personnel who create inventions, especially integrated circuit layouts at the NICHE without any intellectual contribution from the NICHE personnel and significant use of the NICHE resources, shall be the owners of such invention(s). Except as stipulated above, the NICHE shall be the owner of all invention(s) created at the NICHE.

i) Business Models

Models for business strategy developed by NICHE personnel that are not usable by others without permission.

j) Geographical Indications

A Geographical Indication (GI) is a sign used on products with a specific geographical origin and possess qualities or a reputation due to that origin. In order to function as a GI, a sign must identify a product as originating in a given place. In addition, the product's qualities, characteristics or reputation should be essentially due to the place of origin. Since the qualities depend on the geographical place of production, there is a clear link between the product and its original place of production.

To know more about IP, kindly visit Cell for IPR Promotion and Management (CIPAM):
<http://cipam.gov.in/>




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