

INTELLECTUAL PROPERTY POLICY

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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 the 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 to 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 scholars 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 aims to promote a conducive environment for both curiosity and market-driven research and support the creation of original works of authorship and development activities at the Institute.

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 20th October 2021.

3. Governing laws and Regulations

3.1. The IPP shall be governed by the following laws and regulations, subject to amendments 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 Copyright Act, 1957.
- 3.1.2.2. The Copyright 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. Any additional rules and regulations related to intellectual property, as notified by the Government of India, shall also govern this policy.

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

5. Policy Statement

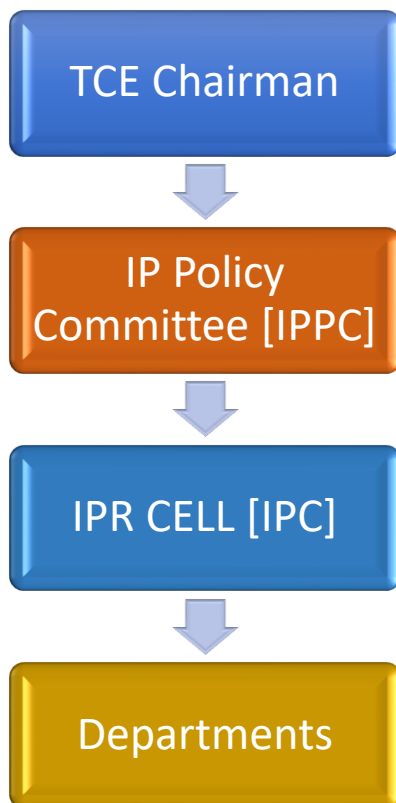
- 5.1. TCE shall create IP awareness amongst faculty, students, and researchers.
- 5.2. TCE shall protect and manage all IP created by its faculty, students, and researchers.
- 5.3. TCE shall implement the necessary system to administer and manage IP.
- 5.4. TCE shall endeavor to commercialize TCE IP and share the revenue generated therein with faculty, students, or researchers, as per the Institute's norms
- 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 partners, sponsors, alumni, and any other stakeholders utilizing 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

The administrative hierarchy for implementing the IP policy is as follows: the TCE Chairman oversees the IP Policy Committee (IPPC), which works in coordination with the IPR Cell and individual departments



8. IP Policy Committee [IPPC]

8.1. The Chairman of TCE shall constitute an IPPC.

8.2. IPPC Members

- a) Principal of TCE.
- b) Dean/Associate Dean, Research and Development.
- c) Research Council Member 1
- d) Research Council 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 at least once in every academic year and may convene additional meetings as needed.
- 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 Rights Cell [IPC], including external members.
- 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. Advise 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 constitute an IPC.

9.2. Members of IPC

9.2.1. The IPC shall consist of the following members:

- 9.2.1.1. Dean/ Associate Dean Research and Development (R&D).
- 9.2.1.2. College-level Coordinator, IPR Cell, appointed by the IPPC.
- 9.2.1.3. College-level Coordinator of Technology Business Incubator(TBI).
- 9.2.1.4. Members (Internal/external) nominated for specific meeting

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

9.3. Number of Members for Each Meeting: The IPC shall have a minimum of Five members to conduct the meeting.

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 the 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 prescribed 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 SOPs 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 expand (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. Faculty, students, and researchers shall submit their research outcome in the prescribed form (given in the SOP) to the IPC, if they identify any IPR in the projects

done. At the IPC's request, students and researchers shall provide all the necessary information and assistance for evaluation and identifying any potential IP.

- 10.4. Faculty, students, and researchers are obligated to execute, sign and deliver necessary documents, invention assignment agreements, or forms as outlined by the IPC, TCE.
- 10.5. The IPR Cell will examine the IP application and will then make specific recommendations regarding patentability, commercial viability, and registration of the proposal. The committee may seek the assistance of experts (Intellectual Property Evaluation Committee) 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 faculty, students, researchers, and individuals under any contract or agreement with TCE shall at all times maintain confidentiality and refrain from disclosing confidential information received during their association with TCE.
- 11.2.2. Except with the prior written consent of IPPC, the recipient shall not use the confidential information for his benefit or any other person's/organization's benefit in any manner whatsoever.

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

11.4. Ownership

11.4.1. Ownership of all IP developed by TCE faculty, students, and researchers using institutional resources or funding 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. **(Legal validity of this condition is to be checked)**

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.

11.4.3.1: TCE is the sole applicant and holds complete ownership of the IPR. Other contributors can only be co-inventors. If a significant portion of the work is performed by an external organization, a revenue-sharing agreement must be established before work begins.

11.4.3.2 (Pre-filing): If all inventors leave TCE before the filing process, one co-inventor from TCE must be designated to manage the IPR filing and commercialization process.

11.4.3.3 (Post-filing): If all inventors leave TCE after the IPR has been filed, the Department Level Committee (DLC) of the relevant department and the IPR cell will oversee the process until the grant of the patent. In such case, the corresponding inventor must reimburse TCE for the costs incurred for filing, and they are only entitled to claim co-inventorship rights.

11.4.3.4: TCE faculty may act as co-inventors with another organization listed as the applicant. However, this is generally discouraged, except in partnerships with institutions such as IITs, NITs, IISc, or certain central research organizations (like DRDO and DRDL), and only with special approval from the IPPC (Intellectual Property Policy Committee).

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 IP protection, the IPC shall evaluate its commercial potential and obtain cost estimates.

- 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 engage an outside consultant or counsel, if deemed necessary, with the approval of the IPPC, for creating or sustaining awareness, complying with procedural formalities with government or other agencies, or representing TCE in legal cases.

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 from the creation and utilization of IP or a breach of the IPP shall be referred to and resolved by the IPPC.
- 11.11.2. External Disputes:** Any dispute involving third parties in the creation and utilization of IP 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 appeal to the IPPC against any decision made by the IPC.

11.11.4. IPP Breach: Any breach of the IPP by faculty, students, or researchers shall be subject to disciplinary action.

11.11.5. Death / Resignation / Retirement of Creator or Employee: Any IP assigned to TCE by faculty, students, or researchers shall not be reassigned to or vested in the employee, creator, or their legal heirs upon ceasing their association with TCE due to resignation, retirement, death, injury, or other acts of God.

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

11.11.7. Power to modify IPP: The IPPC may consider and approve modifications to the IPP prospectively based on suggestions from the IPC or amendments to rules and laws governing IP.

11.11.8. Governing Law, Jurisdiction and Arbitration

11.11.8.1. The agreement between inventors and TCE shall be governed by, construed, and enforced under the laws of India, with the courts in Madurai having exclusive jurisdiction.

11.11.8.2. Any dispute arising between the parties shall be resolved amicably through arbitration. All arbitration proceedings 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 for Arbitration proceedings shall be Madurai, and the proceedings shall be conducted in English.

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