



Intellectual Property Policy of BCREC

1. Preamble

An institute of national importance is dedicated to Excellence in research and education, exchange, and dissemination of knowledge. These activities may lead to generation of Intellectual Property (IP), which needs to be protected, developed, transferred and commercialized for the benefit of the society. Our country will highly be benefited socio-economically due to commercial exploitation of such IPs. BCREC Durgapur, therefore, encourages due recognition, protection and utilization of such inventions through patenting and subsequent technology transfer to potential organizations for commercial exploitation. This is expected to yield economic benefits to the Institute thereby strengthening financial support base for research activities and economic incentive to the inventors. This will eventually ignite the passions for research and innovations and contribute to maintain the country's growth trajectory in innovation and to improve India's ranking in Global Innovation Index (GII). The policy laid down in this document is expected to fulfil the commitment of the Institute for constant encouragement towards innovation and appreciation of the innovators. It will also enable the Institute to make beneficial use of such developed intellectual property for the greatest possible benefit to the public, the Institute, and the creators/inventors involved.

2. DEFINITIONS

- **Agreement** is the document created with mutual consent of involved parties defining the rights, roles and responsibilities of each of the parties, for example, Research Agreement, Consultancy Agreement, Non Disclosure Agreement (NDA), etc.
- **“Creator”** refers to an individual or a group of individuals at the Institute, who make, conceive, reduce to practice, author, or otherwise make a substantial intellectual contribution to the creation of any intellectual property. “Creator” includes an inventor in the case of inventions under

Patent Law, an author in the case of works falling under the Industrial Designs Law and/or Copyright Law.

- '**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.
- '**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.
- '**Collaborative Activity**' is the research undertaken by BCREC personnel in cooperation with industry and/or another researcher(s) who are not from BCREC, Durgapur.
- "**Employee**" of the Institute is defined as any person receiving compensation for service, or any person volunteering services for the benefit of the Institute. The uncompensated activities of students in furtherance of their education shall not be considered service within the meaning of this policy, even if such activities benefit the Institute. A scholarship, fellowship, assistantship or any other payment received by a student during the course of his studies does not classify him as an employee.
- **Institute personnel** means part-time and full-time members of the faculty, technical, administrative or the supporting staff and employees, undergraduate and postgraduate students, doctoral and postdoctoral fellows of the Institute.
- **Institute Resources** mean facilities such as office space, standard laboratory facilities, library, normal access to software, computers and networks, standard secretarial services, salary and perquisites.
- **Intellectual Property** broadly includes any property generated out of intellectual effort of the creator(s). Intellectual Property Right (IPR) includes but is not limited to copyrights and copyrightable materials, patented and patentable inventions, tangible research results, trademarks, service marks and trade secrets.

- **'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. Invention means the Invention as defined by The Patent Act, 1970 (as amended). Inventor(s) are person(s) who produce an invention.
- **'Licensing'** is an authorization to permit the IP right by the owner under certain consideration.
- **Non Disclosure Agreement (NDA)/Confidentiality Agreement-** The agreement intends to protect proprietary or confidential information among the parties involved in executing a NDA.
- **Patent** means a patent granted under the provisions of the Indian Patents Act, 1970
- **'PCT Application'** A PCT (Patent Cooperation Treaty) 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 Organisation (WIPO) in Geneva. It is not a patent granting system.
- **Public disclosure** is any non-confidential communication which an inventor or invention owner makes available to one or more members of the public, revealing the existence of the invention and enabling an appropriately experienced individual ("person having ordinary skill in the art") to reproduce the invention.
- **Intellectual Property Cell** constituted by the authorities of BCREC will evaluate and make recommendations regarding IPR related issues from time to time.
- **Revenue** is any payment received as per an agreement by the Institute usually for legal use of a patent through a license.

- **'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.

- **Sponsored research** shall be taken to mean a specific research project funded by an outside agency, whether non-profit or for profit, governmental or private, national or international. The term sponsored research will not apply to funds awarded by an external agency to a student, scholar, fellow or trainee for the support of education or research.

- **'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'** refers to some information such as know-how of commercial or strategic value that is not disclosed to all and is used in a restricted manner.

- **Work for hire**-The work (or a product) originated from BCREC and is meant for the specific purpose of BCREC and produced by (a) an author during his/her employment at BCREC or (b) non-employee under contracted work by BCREC.

- **Work Commissioned/Outsourced**- work commissioned by BCREC to a creator or group of creators either employed by BCREC or invited from outside BCREC with or without any consideration in cash or kind. Typical examples of BCREC commissioned works are:

- (a) Design work,

- (b) Artistic Work,

- (c) Engineering/Architectural Models,

- (d) Computer Software,

- (e) Reports based on surveys and analysis,

- (f) Video works.

3. SCOPE OF THE POLICY

The policy has made to encourage and appreciate the innovative ideas and creative works of the Institute personnel. Policy also thinks about the utilization of their expression of ideas and creative works for the betterment of the society. It describes how to develop an idea [inventive] and creative works for utilization of the public interest without ignoring the benefit of individual inventors, authors, and Institutions. This policy though suggests taking the ownership or control over scholarly work, but it will not hinder the right of scholar to publish book or article. This policy is applicable to all the Institute personnel who have used the resources of the Institute.

4. OBJECTIVES

Through this Intellectual Property (IP) Policy and Guidelines, the BCREC Durgapur, intends to put in place a system that brings order to the process of protection of inventions, and the utilization of inventions through processes of technology transfer and entrepreneurship for the public interest. Within the above broad objectives, the specific objectives of this Policy are as follows: (a) Encourage, create awareness, and facilitate the process (es) of securing and protecting the IP rights generated at BCREC. (b) Initiating and pursuing all actions and deeds to maintain, prosecute, and keep in vogue the secured IP rights of the Institute (c) Pursue all the necessary procedures and actions to facilitate, catalyse, and bring to bear the Transfer of Technologies, including the commercialization, licensing, and other means of disseminating the technologies developed by the Institute.

5. DEFINITION OF IP

The term “**intellectual property**” used herein broadly means any property generated out of the intellectual effort of the creator, either having proprietary value or protected by statute. In the case of copyrightable works, it must be fixed in a tangible form, and the creator or rights-holder is empowered by law to prevent others from copying this form.

5.1 TYPES OF IP

The intellectual properties can be broadly listed as:

- (a) Patents
- (b) Copyrights
- (c) Trademarks including service marks
- (d) Industrial designs
- (e) Integrated Circuit (IC) layout designs
- (f) New plant variety
- (g) Traditional knowledge and Geographical Indications
- (h) Undisclosed information

The policy is further applicable to IP as listed above along with non-patented technology & new Biological material.