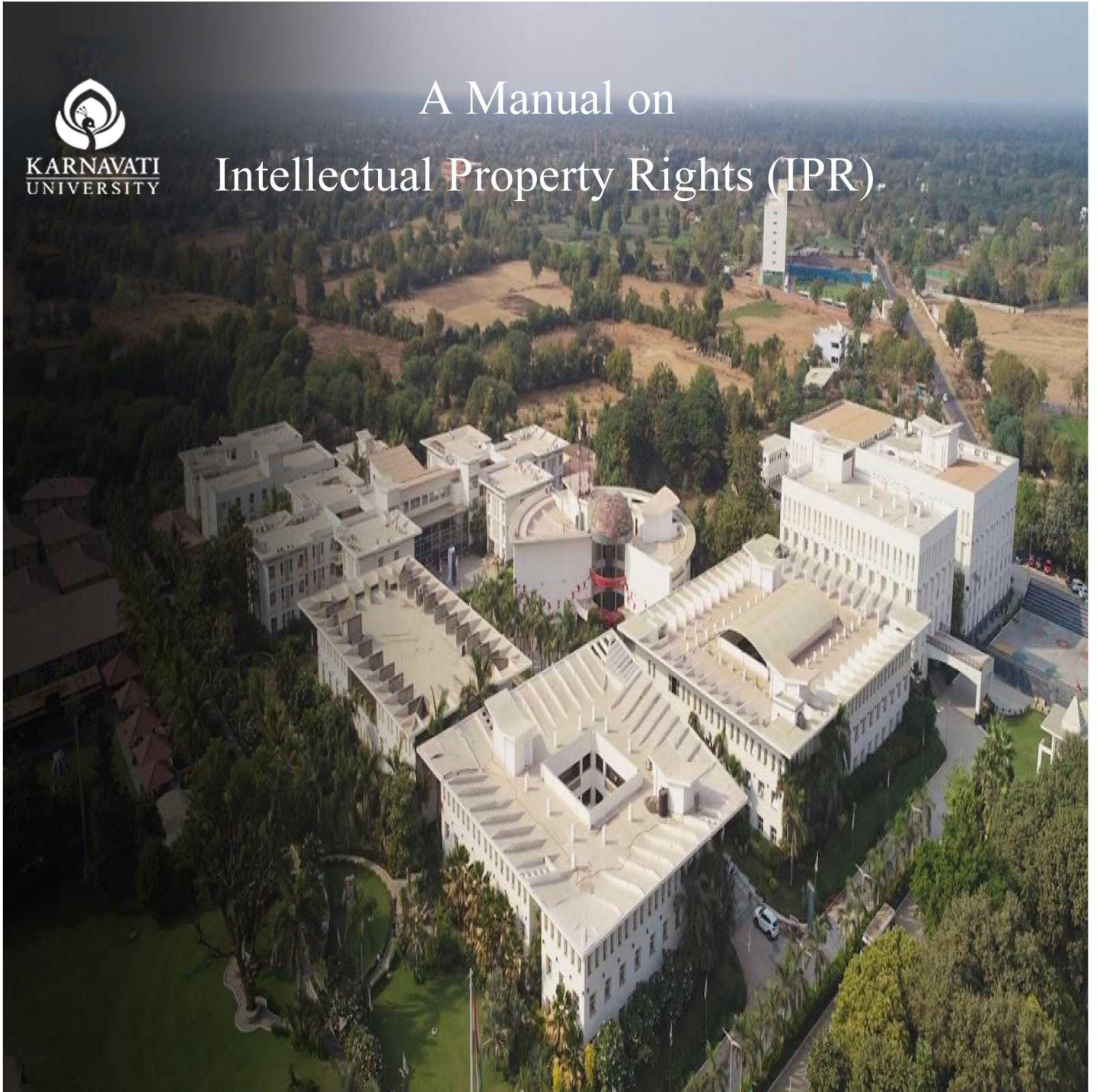




# A Manual on Intellectual Property Rights (IPR)



Intellectual Property Facilitating Centre

Karnavati University

2023



**KARNAVATI**  
**UNIVERSITY**

A Manual on Intellectual Protection Laws For  
Students, Research Scholars and Faculties

Adopted by:

Intellectual Property Facilitating Centre (IPFC),  
Karnavati University, Uvarsad – Gandhinagar

## **About the IPFC**

The University wishes to underscore the importance of Intellectual Property (IP) and urges all faculty, staff and students to document their innovative and creative outputs with a view to identify and protect their IP. The University is keen to facilitate IP generation, protection and its application for shared benefits to both University and inventors/creators in a transparent manner. For the same the University has established an Intellectual Property Facilitating Centre (IPFC).

The IPFC deals with all the activities/matters relating to the Intellectual Property (IP) of university through the Intellectual Property Committee (IPC). The primary objectives of this centre are:

- i. To promote and encourage scientific and technology based research and generation of the respective IP thereof at university.
- ii. To facilitate students, employees and collaborative Researchers which may include but not limited to incubator, firms, company, institution, research centre, vendor and business partners in generating IP, Protection and its application for shared benefit of University.
- iii. To provide the mechanism through which the university can assist all the stakeholders in generating the IP.
- iv. To identify the Procedure for ownership, protection and Commercialization of the IP.
- v. To provide legal support in the generation of IP and further protection thereof.
- vi. To safeguard the fair disbursement of economic benefits of IP commercialization among all the stakeholders.

## **About the Intellectual Property Committee**

The Committee has the following roles and objectives –

- i. Advising and conducting awareness programmes, trainings, workshops for educating faculty, staff and students about IP at the University;
- ii. Approve procedures, forms, draft agreements and guidelines for implementation of the IP policy at the University;
- iii. Interact with the inventors, evaluate invention for patentability and commercial potential, act as advisory to the inventor for all matters including filing applications for protection of IP;
- iv. Advice on approaching funding agencies, venture capitalists etc. for funds for promotion of IP activities, filing, licensing/assigning of IP on revenue sharing basis;

## **Preface**

This manual provides the guidelines related to the procedure of filing for the Intellectual Property (IP) applications in India and the facilitation and support provided by the University.

The main purpose is to create awareness amongst the students, research scholars and faculties of Karnavati University about the IP protection laws in India and to provide a user friendly guide for obtaining and maintaining the IPs under the existing laws in India.

It is expected that this manual will be of significant help to all the people and stakeholders who are involved in the innovation and invention activities in protecting their Intellectual Property Rights (IPR) arising as an outcome of their work and efforts.

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## **Intellectual Property Rights**

### **INTRODUCTION:**

In this contemporary world, Intellectual property (IP) plays a vital role in preserving and commercializing the intellectual outcome of an Institute. The intangible assets of an organization - such as knowhow, inventions, brands, designs and other creative and innovative products - are, today, often more valuable than its physical assets. Keeping this in mind, Karnavati University aims to widen its wings of holistic education and instilling passion of research and development among its faculty, Staff and Students.

The University recognizes its responsibility to produce and disseminate knowledge by encouraging the production of creative and scholarly works and the development of new and useful materials, devices, processes, and other intellectual property, some of which may have potential commercial value. These activities will further contribute to the professional development of the individuals involved, enhance the reputation of the University, provide additional educational opportunities to students, support the start-up, innovation, research development among the students, staff and faculties and promote social wellbeing.

### **WHAT IS INTELLECTUAL PROPERTY?**

Intellectual property refers to creations of the mind: inventions, literary, artistic works, symbols, names and images used in commerce that qualifies for legal protection under relevant legislations regulating and governing various forms of IP Rights (IPR). They allow creators, or owners, of patents, trademarks or copyrighted works to benefit from their own work or investment in a creation. Broadly, IP could take the form of any invention related to scientific, technological, social, societal, and business development namely: patent, industrial design, trademark, copyright, mathematical models, business models, confidential information, technical know-how, mask works, process, plans, circuit, diagrams, specifications, guidelines, graphics, training materials, software programs, records, drawings, poems, stories , murals ,

artefacts , novels , instruction guides, logo, study materials, new techniques, algorithms, concepts or any other form as per the need and development.

The several types of IP can be broadly listed as follows:

- i. Patents - An exclusive right granted for an invention, which is a product or a process that provides a new way of doing something, or offers a new technical, mechanical or technological solution to a problem. The criteria for patentability are novelty, nonobviousness to the expert and industrial or commercial application.
- ii. Copyrights - An exclusive right given to the author of the original literary, architectural, dramatic, musical and artistic works; cinematograph films; and sound recordings and the like.
- iii. Trade/Service Marks - An exclusive mark capable of being represented graphically and which is capable of distinguishing the goods or services of one person from those of others and may include shape of goods, their packaging and combination of colors.
- iv. Industrial Designs - An exclusive right to protect the features of shape, configuration, pattern, ornament or composition of lines or colors applied to any article whether in two dimensional or three dimensional or in both forms.
- v. Integrated Circuit Layout Designs - An exclusive right for a layout of transistors and other circuitry elements and includes lead wires connecting such elements and expressed in any manner in a semiconductor integrated circuit.
- vi. Traditional Knowledge- Knowledge developed by the indigenous or local communities for the use of a natural resource with respect to agriculture, food, water, medicine etc. over a period of time and has been passed from one generation to another traditionally.
- vii. Geographical Indications - An exclusive right to identify goods as agricultural goods, natural goods as originating or manufactured in the territory of a country or a region or locality in that territory where a given quality, reputation or other characteristic of such goods is essentially attributable to its geographical origin.
- viii. Know-how and Trade Secret - Any form of confidential information pertaining to technical know-how including lab notes, results of analyses, research notes, research data reports, chemical, pharmacological, toxicological, clinical, analytical and quality control data, trial data, prototypes, information contained in submissions to and information from ethical committees and regulatory authorities, etc. Trade

secrets and know-how fall outside the scope of protection under current IP regime of India. It is important for the owner of such secrets and know-how to maintain confidentiality through non-disclosure agreements (NDA) with the other parties.

### **ROLE OF UNIVERSITY AS FACILITATOR:**

The University shall facilitate its students, research scholar, faculties and staff (Applicants) who have generated any IP either individually or jointly using the University resources or while conducting any research project for the University or in any other manner.

The University shall facilitate the Applicants by providing support in generating or creating an IP, it shall also provide assistance in evaluating the IP for protection and commercial development whether the IP can generate revenue or in novel in nature, after scrutinising the IPs for novelty and market viability the University shall also assist in filing the IP applications with the Intellectual Property Office, Government of India. The university shall also provide adequate financial assistance to the Inventors in filing the IPs.

#### **University as a Facilitator:**

- i. Applicant shall disclose the invention to the IPFC;
- ii. Applicant shall fill the Application forms A and B Annexed below, as per their invention and IP;
- iii. Invention shall be evaluated in terms of scientific merit, novelty, its applicability and market potential. All potential IP arising out of the research conducted at the University shall be protected on the basis of the evaluation of IP including its commercial potential. University may also waive the IP right if the Committee is of the opinion that it is generated without using substantial resources of the University. IPR waiver may also be given when Applicant does not use University provided or administered funds in connection to the IP development which had been made on personal, unpaid time of the Applicant. For all such IP waivers inventor shall approach IPC in advance seek such waiver in writing.



- iv. All applications for IP shall be filed jointly by the Applicant and the University. The inventor/creator shall be the applicant and the University shall be the co-applicant for the said application for IP registration. The cost of application will be borne by the University, except when the IP is created Applicant without significant/substantial usage of university resources/funds/facilities or as per the provision specified in this policy.
- v. All applications shall be considered for filing in India. A decision on annual renewal of the IP rights will be taken by the IPC.

### **LEGISLATIONS RELATED TO THE PROTECTION OF INTELLECTUAL PROPERTY**

- Trade Marks Act, 1999
- Patents Act, 1970
- Copyright Act, 1957
- Designs Act, 2000
- Geographical Indications of Goods (Registration and Protection) Act, 1999
- Protection of Plant Varieties and Farmers Rights Act, 2001
- Semiconductor Integrated Circuits Layout-Design Act, 2000
- Biological Diversity Act, 2002

## ANNEXURE A

**Application Form for Trademarks/Copyrights**

1. Full Name(s), Age, Address, Nationality (of all the applicants/inventors)	
2. Mobile No. and email address	
3. Title/Name of the Trademark/ Copyright	
4. Type of Trademark/Copyright (Word, Device, Color, Sound, 3D/ Literary, Artistic work, Music, sound, Cinematography etc.)	
5. Language of the Work a. If in another language – mention the language and description b. Translated work c. Language of Translation	Yes or No

6. Provisional Class of Trademark/ Copyright ( <i>Write N/A if unable to identify</i> )	
7. Mark/Work is “Used” or “Proposed to be Used” / “Published” or “Unpublished”	
8. Statement or Description as to the Use of Mark/Work	<p>Annex: Logo, Mark or Statement of Particular (Manuscript, Photos etc.) as applicable <i>*Specify the no. of pages</i></p>
9. Original Work	Yes or No

## ANNEXURE B

**Application Form for Designs/Patents**

1. Full Name(s), Age, Address, Nationality (of all the applicants/inventors)	
2. Mobile No. and email address	
3. Title of the Invention/Design/Patent	
4. Description of the Invention/Design/Patent	<p>Annex:</p> <ol style="list-style-type: none"> <li>a. Concept Note or Abstract – <i>250-300 words</i> (concise but sufficient description of Novelty, invention and its usefulness; Scope of invention for which the protection is sought)</li> <li>b. Design Process – Best method of working</li> <li>c. Provisional Specifications – <i>1000 words</i></li> <li>d. Drawings &amp; Photos, Exact representations of the Design</li> <li>e. Final Design/Prototype</li> </ol> <p><i>*Specify the no. of pages in each category</i>  <i>*Provide details as applicable</i></p>

5. Provisional Class of Design (if applicable)	
6. Possession of Design/Patent	Yes or No