

Dr. B.R. Ambedkar University Delhi Intellectual Property Policy

Background and Context

Dr. B.R. Ambedkar University Delhi (Hereinafter "AUD or "the University") is a public university committed to equitable access to knowledge. In keeping with the philosophy of Babasaheb Ambedkar, the University is founded on the belief that education is one of the most important modes through which we can attain the constitutional promises of and justice, liberty, equality and fraternity. The intellectual property policy ("IP Policy") of the University reflects these values and recognises that open access to knowledge is an important mode to attain the same.

Intellectual Property("IP") seeks to balance between promoting public access to knowledge and the creation of incentives for authors and creators. The privatisation and commercial exploitation of knowledge at the cost of public access is anathema to the spirit of intellectual property. In recent years however, an expansionist approach to intellectual property (including in universities), driven primarily by countries of the global north has created a significant imbalance with the scale shifting in favour of private ownership. At the international legal and policy level, India has resisted this expansionist approach and has consistently offered alternatives that are cognisant of the public interest dimensions of intellectual property. Thus when the copyright in Gandhiji's writings came to an end, there were proposals to extend the length of copyright in the Copyright Act, but the government citing Gandhiji's opposition to the idea of perpetual copyright, decided that it was in the interests of all that Gandhiji's work come into the public domain.

AUD's IP Policy is accordingly committed to promoting best practices that enrich the public domain and the knowledge and culture commons. The provisions of this Policy are subject to all applicable laws and regulations of India.

1. Purpose and Scope of IP Policy

1.1 AUD is committed to promoting innovation and creativity in academic research and practice. As part of this commitment to public interest scholarship AUD seeks to define the terms and conditions of ownership, license, assignment and use of IP by members of AUD as well as the general public.

1.2 This policy is applicable to all AUD faculty, employees, students, researchers and other individuals working on a contractual basis with AUD. It shall also be applicable to all IP produced by divisions, centres and all other institutions or organisations set up under the auspices of the University.

1.3 The office of the Academic Services Division shall be responsible for implementing this policy, and for preparing and maintaining guidance/FAQs documentation in respect

of the policy for the benefit of AUD staff and students. Any updates to this documentation should involve consultation with AUD community as and where appropriate.

1.4 This policy forms part of the terms and conditions of employment for AUD staff.

1.5 All terms used in this policy shall have the meaning and definitions provided in specific statutes including the Copyright Act, Patent Act and other similar legislations.

1.6 This policy may be subject to amendment by AUD in the future to reflect developments in relevant statutes or related national policies or operational changes within AUD.

1.7 Nothing in this policy shall preclude any usage by any party consistent with any rights granted, or any exceptions and limitations recognised by the Copyright Act including fair dealing rights under Section 52 of the act, or similar provisions and the other IP statutes.

2. Ownership of IP: Copyright

2.1 The ownership of IP rights is dependent upon the specific type of IP and work that is created. AUD shall assert limited ownership of IP in specific works and categories as set forth below.

2.2 Copyright: AUD shall own any copyright in any medium, over all syllabus, curriculum, teaching resources (collectively "Courseware") or other works that make substantial use of university resources created by any AUD employee in the course of his/her employment, in connection with their duties, or under a contract of service. Where applicable, AUD shall credit authors and creators under the terms laid out in 4.2.

2.3 AUD shall have the unrestricted right to modify or adapt any courseware. If teaching materials are modified or adapted, the staff member who created the original teaching materials may be entitled to being acknowledged in such materials (to the extent reasonably practicable and appropriate for AUD to do so).

2.4 Notwithstanding anything stated in Sec. 2.2, all employees are entitled to publish their scholarly materials and engage with third parties (e.g publishers) accordingly. The ownership of works of scholarship such as conference publications, manuscripts for publication in academic journals, and other similar written work shall reside with the Creator(s), and any revenue derived from the works shall belong to the Creator(s).

2.5 In dealing with third parties, all employees should have regard to AUD's rights to use, reproduce (and to allow others to reproduce) such materials, as set out under section 4.1 below. If the scholarly work is to be published, the Creator(s) shall request the right to provide the University with a royalty-free right to use the work within the University in its teaching, research, and other programs, and, if successful, the

Creator(s) shall grant such right to the University. Creator(s) shall strive as far as possible to make their works available under open content, open access licenses, or through open access archiving repositories as detailed in Section 4.1 below.

2.6 All such works shall acknowledge the institutional affiliation of the creator/ author with AUD as per guidelines issued by the university from time to time.

2.7 The ownership of student works submitted in fulfilment of academic requirements shall be with the Creator(s) with the following condition: The student by enrolling in the University gives the University a nonexclusive royalty-free license to use, reproduce or modify the Work as may be required in the course of instruction, or otherwise handle the work as set out in the University's IP Policy.

2.8 In relation to any artistic work created by any employee or student, AUD shall be entitled (without payment of any fee or royalty):

(a) to reproduce the work for educational and promotional purposes including by reproduction of the work in academic publications, promotional materials, web-sites, exhibition catalogues or flyers, databases, leaflets and prospectuses; and/or

(b) to exhibit the work to the public during the course of the student's studies at AUD (including any exhibition of the work); and/or

(c) to exhibit the work to any third party in connection with the student's studies or in connection with AUD's academic and/or research purposes.

2.9 Copyright over works created in collaboration with other individuals or institutions, or under any memorandum of understanding including but not limited to collaborative research projects shall be subject to mutually agreed upon terms and conditions between the University, its employees and all other third parties. The ownership and license terms for IP governed by the aforementioned agreements shall strive to be consistent with all of the terms and conditions laid down in this IP policy

2.10 Individuals affiliated to University who are neither employees nor students nor under a contract of service (including for instance Honoraries, Visiting Scholars, Research Investigators, Visiting Faculty and Visiting Researchers), may be required to assign the rights to any IP they create in the course of their activities at the university. All such individuals shall be treated as if they were university employees for the purposes of this policy. The university recognises that, in some cases where individuals remain employees of another organisation whilst at AUD, special arrangements may need to be negotiated regarding the ownership and use of IP which they may generate. Such arrangements will be negotiated on a case to case basis.

2.11 The material/book generated/ published by the faculty member shall be the property of the faculty member, however, the same will be the property of the University in case, the faculty member has availed sabbatical leave for research work or publishing the material/book.

3. Patent and other Intellectual Property

3.1 Patents: AUD shall own any patentable invention made by any AUD staff member in the course of his/her employment, in connection with their duties, or under a contract of service.

3.2 Database right. Databases are protected by copyright and by database right. Where an AUD employee creates or contributes to the creation of a database in the course of his/her employment, in connection with their duties, or under a contract of service, AUD shall be deemed to be the maker of the database and the owner of any database right arising.

3.3 Confidential information and trade secrets. Confidential information and/or trade secrets generated by AUD employees staff in the course of their duties shall constitute the confidential information and/or trade secrets (as the case may be) of AUD, and must be treated accordingly.

3.4 Performers' rights. To the extent that an AUD employees benefits from performers' rights in any performance in connection with their duties, such rights are (i) assigned to AUD, in respect of proprietary rights; and (ii) unconditionally and irrevocably waived in favour of AUD, its licensees and assignees, in respect of other rights.

4. Licence Policy

4.1 Unless otherwise specified, all copyright owned by AUD under Sec. 2.2 of this policy shall be licensed under a Creative Commons-Non-Commercial- Share Alike agreement (CC-NC-SA). The details of the terms and conditions of this license is available on <https://creativecommons.org/licenses/by-nc-sa/2.5/in/>. This license shall be applicable for all non-commercial usage of AUD owned copyright.

4.2 In circumstances where the aforementioned license cannot be used, the University shall choose similar licenses or terms and conditions including but not limited to open access repositories

4.3 All commercial uses shall be governed by Section 4.6 and 4.7 of this policy

4.4 Unless otherwise specified, all IP owned by AUD under Sec. 3.1 to 3.4 of this policy shall be licensed under terms and conditions that are consistent with the aims and objectives of this policy including the promotion of open access and open knowledge.

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**Mandate of the Intellectual Property (IP) Cell
Dr. B. R. Ambedkar University Delhi**

The Intellectual Property (IP) Cell was established within Dr. B. R. Ambedkar University Delhi upon the approval of the Intellectual Property Rights (IPR) Policy by the Academic Council in its 33rd Meeting held on 11th March 2024. The IP Cell shall have the following mandate:

To promote access to knowledge, contribute to an ecosystem of open knowledge, and to increase awareness, protection, and management of intellectual property (IP) assets generated through research, innovation, and creative endeavours in the fields of social sciences and humanities.

This mandate outlines the objectives, functions, and responsibilities of the IP Cell.

Objectives:

1. Raise awareness about intellectual property rights among faculty, researchers, and students.
2. Facilitate the use of intellectual property generated by the university community in a manner consistent with vision of the University of promoting equitable access to knowledge.
3. Promote creativity and innovation towards socio-economic development.
4. Ensure compliance with national and international IP laws, regulations, and best practices.

Functions and Responsibilities:

1. IP Policy: Review existing policies and develop guidelines, Standard Operating Procedures (SOPs) related to IPRs, in consultation with relevant stakeholders.
2. IP Awareness and Training: Organize workshops, seminars, and training programs to disseminate information and enhance understanding of IPRs and their importance.
3. IP Assistance: Facilitate faculty, students and researchers of the University through technical (for example filing patents, registering copyrights etc.) and financial assistance (case-based amount recommended by the IP Cell and approved by the IIVC, with the proviso that 50 per cent of the cost of filing and registration will be borne by the individual and 50 per cent by the University) in obtaining IPRs such as patents, copyrights, license, designs, etc.
4. IP Asset Management: Identify, evaluate, and manage IP assets generated by faculty, researchers, and students.
5. IP Protection and Promotion of Access to knowledge: Provide support for IP protection, as well as increasing awareness about open knowledge models, including open education resources and open content.
6. Technology Transfer and Commercialization: Facilitate technology transfer agreements, licensing arrangements, and commercialization opportunities for IP assets.

7. Collaboration and Networking: Forge partnerships with industry, government agencies, and other academic institutions to promote collaboration, technology transfer, and innovation.
8. IP Compliance and Enforcement: Ensure compliance with IP laws, regulations, and institutional policies. Take necessary measures to enforce IPRs and prevent infringement.
9. IP Monitoring and Evaluation: Monitor and evaluate the effectiveness of IP management strategies and initiatives. Implement improvements based on feedback and evaluation findings.
10. Advisory Services: Provide expert advice and guidance on IP matters to faculty, researchers, students, and other stakeholders.
11. Documentation and Records Management: Maintain comprehensive records of IP assets, agreements, and related documents in a centralized database.
12. The IP Cell may convene meetings at least once in a semester, i.e., twice in an Academic Year.
13. The IP Cell shall place its annual report to the Dean, R&D Division by 31st December of every year.

Composition:

The IP Cell shall consist of a dedicated team comprising professionals with expertise in IP law, technology transfer, business development, and research administration. The IP Cell shall constitute of the following members:

1. Chair (Dean, SLGC)
2. Faculty members (at least 5 from across Schools/Centres)
3. Guest members (1 legal expert, 1 scientist from any government approved institution, and 1 from civil society)
4. Administrative staff (AR)

The subsequent members of the IP Cell to be nominated by the Chair and approved by the HVC. The tenure of the IP Cell will be for a period of 3 years.

IP Cell Fund:

The University may allocate a minimum of INR 5 lakhs as annual fund for the activities of the IP Cell.

Review and Amendment:

This mandate shall be subject to periodic review and may be amended as necessary to align with evolving institutional priorities and changes in IP laws and regulations.

4.5 AUD reserves the right to deviate from the general principles established in Section 4.1 and 4.2 and to license works with specific terms and conditions keeping in mind the nature of work, the nature of the licensee and the nature of usage, provided that such licenses are consistent with the overall terms of this IP policy

4.6 If any third party desires to use any intellectual property owned by AUD for any commercial purposes, the University shall be entitled to enter into a commercial license either on a payment of royalty basis, through a revenue or profit sharing arrangement or through any such similar arrangement as may be suitable for the University and in compliance with the aims and objectives of this policy. All such agreements shall be entered into on behalf of the University by any person designated by the competent authority.

4.7 For the purpose of this policy commercial usage shall refer to uses which are primarily intended for profit, and the university will have the discretion to allow treat as non commercial usage any activity not intended for profit, but which may include any incidental commercial activity such as charging of fees for educational or training workshops.

4.8 In circumstances where AUD commercialises IP generated by an AUD employee and/or student, that employee member and/or student may be entitled to a share of any revenue received by AUD on the terms determined by the Competent authority or under any revenue sharing policy that may be instituted by the University

5. Disputes

5.1 The Intellectual Property Cell (IPC) constituted by Research and Development Cell shall look into the matters pertaining to the Intellectual Property Rights (IPR) Policy. In the event of a disagreement concerning any of matter contained in this policy which cannot be resolved by discussion between disputing parties, the dispute may be referred to a committee constituted by the competent authority.