

STANDARD OPERATING PROCEDURE



PREPARED FOR
Implementation of KGMU's
IP Policy

EFFECTIVE FROM
16 JUNE 2023

PREPARED BY
KGMU's IP Management Committee





STANDARD OPERATING PROCEDURE FOR IMPLEMENTATION OF KGMU'S IP POLICY

EFFECTIVE FROM 16 JUNE 2023

	NAME	TITLE	SIGNATURE	DATE
Reviewed By	Prof. Rishi Sethi	Member Secretary IPMC Department of Cardiology		16/06/2023
	Dr. Pooja Ramakant	Member, IPMC Department of Endocrine Surgery		16/06/2023
	Dr. Hardeep S. Melhotra	Member, IPMC Department of Neurology		16/06/23
	Dr. Sujit Kar	Member, IPMC Department of Psychiatry		
Approved By	Hon. Vice Chancellor	Chairperson IPMC		16/6

Effective Date	16/06/23
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PREPARED BY
KGMU'S IP MANAGEMENT COMMITTEE

APPROVED BY
HON. VICE CHANCELLOR KGMU



1. INTRODUCTION

1.1 Purpose: This Standard Operating Procedure (SoP) has been formed in accordance with King George's Medical University's (KGMU Lucknow) Intellectual Property (IP) Policy. This SOP will outline the procedure for the protection and exploitation of Intellectual Property (IP) arising from innovation/research projects undertaken by Students/Innovators/Faculty/ Employees or those employed by external organizations using KGMU Lucknow's resources.

1.2 Scope: The ethos of this SoP and IP Policy is to encourage generation of intellectual property that has potential value in academic and commercial terms. The university holds the responsibility to ensure that innovation flourish as an essential value of academic research along with purposeful product development, which may be achieved from time to time by protecting intellectual property or encouraging commercial exploitation.

1.3 Beneficiaries: Students, alumni, research scholars, fellows, faculties and/or employees of King George's Medical University Lucknow.

1.4 Chief/Principal Investigator: Hon.Vice Chancellor and Intellectual Property Management Committee (IPMC) Member Secretary, King George's Medical University Lucknow.

2. GENERAL TERMS AND CONDITIONS

2.1 The beneficiaries are liable to read and understand clauses of King George's Medical University's IP Policy (effective from September 09, 2022), prior to applying for Intellectual Property Filing via the university.

2.2 The beneficiaries are required to submit information regarding intellectual property application processed via an external agency before September 09, 2022 to the Intellectual Property Management Committee (IPMC) (Ref. Annexure 1).

2.3 The beneficiaries are required to take necessary permission, approval or sign declaration in order to pursue any intellectual property application filed before September 09, 2022.



2.4 The beneficiaries need to submit an online application by email "ipcell@kgmcindia.edu" in order to apply for KGMU's support for filing any IP application, in which the inventor(s) may be called to represent or showcase their idea/invention to IPMC and/or KGMU's IP facilitator(s).

2.5 The IP application submitted for KGMU's support would be handled by the university recognised techno-legal and Intellectual Property facilitators as per university approved service charges.

2.6 Filing of IP via KGMU's support means that filing charges and maintenance (of patents) would be borne by KGMU Lucknow.

2.6 The beneficiaries are required to submit forms, declaration(s) and/or agreement as per the Intellectual Property case requirement, ensuring correct and accurate information, while being in complete compliance with KGMU's IP Policy.

2.7 KGMU'S IP facilitators are required to duly sign and submit hard copy of Non-Disclosure Agreement (NDA) so as to maintain confidentiality of all inventions on which they would be working on. The responsibility of timely execution of each IP application lies solely with the IP facilitator.

2.8 Only inventions/ideas that are approved by IPMC upon technical screening would be eligible for KGMU's IP filing support in compliance with the IP Policy, however, in whichever way the beneficiaries are supposed to surrender KGMU's share of commercialisation as per KGMU's IP Policy.

3. REGARDING COPYRIGHT

3.1 The beneficiaries should read and understand clauses of KGMU's IP Policy pertaining to Copyrights as per nature of their project/ research work (eg. sponsored, non-sponsored etc., multipartite etc.).

3.2 The beneficiaries may apply for copyright application(s) on their own.



3.3 In order to inform IPMC regarding copyright, the beneficiaries are supposed to write an email to "ipcell@kgmcindia.edu" keeping the IPMC member secretary or members copied. The email should include:

- Disclosure of title/topic of the copyright matter and status of the application.
- Declaration -1 form duly filled and signed by the applicants (Annexure-3, available on KGMU's website)

3.4 The beneficiaries (also applicants of the copyright) shall inform IPMC from time to time regarding the status of copyright.

3.5 Once the copyright is granted, the beneficiaries (also applicants of the copyright) are required to submit the final copy of granted copyright via email.

3.6 In case any revenue/ honorarium etc. may be received by the beneficiaries, must be informed to IPMC via email - a cover email enclosed with details of transaction reflecting the amount of revenue/ honorarium.

3.7 The beneficiaries need to surrender 10% KGMU's share of the revenue directly/indirectly received by virtue of said copyright within 15 days of receiving the amount.

3.6 Submission of KGMU's revenue share: The beneficiaries may submit KGMU's revenue share in IP Management Account by means of RTGS/NEFT cheque. (Account details to be disclosed by IPMC, when required).

3.7 Documents submission to Finance Office:

- A cover letter disclosing details of copyright, amount of honorarium/revenue
- Copy of cheque/ transaction proof submitted to - Finance Officer, King George's Medical University Lucknow.

3.8 Infom IPMC : The documents submitted at the Finance Office must be copied to and distributed to Member Secretary IPMC.

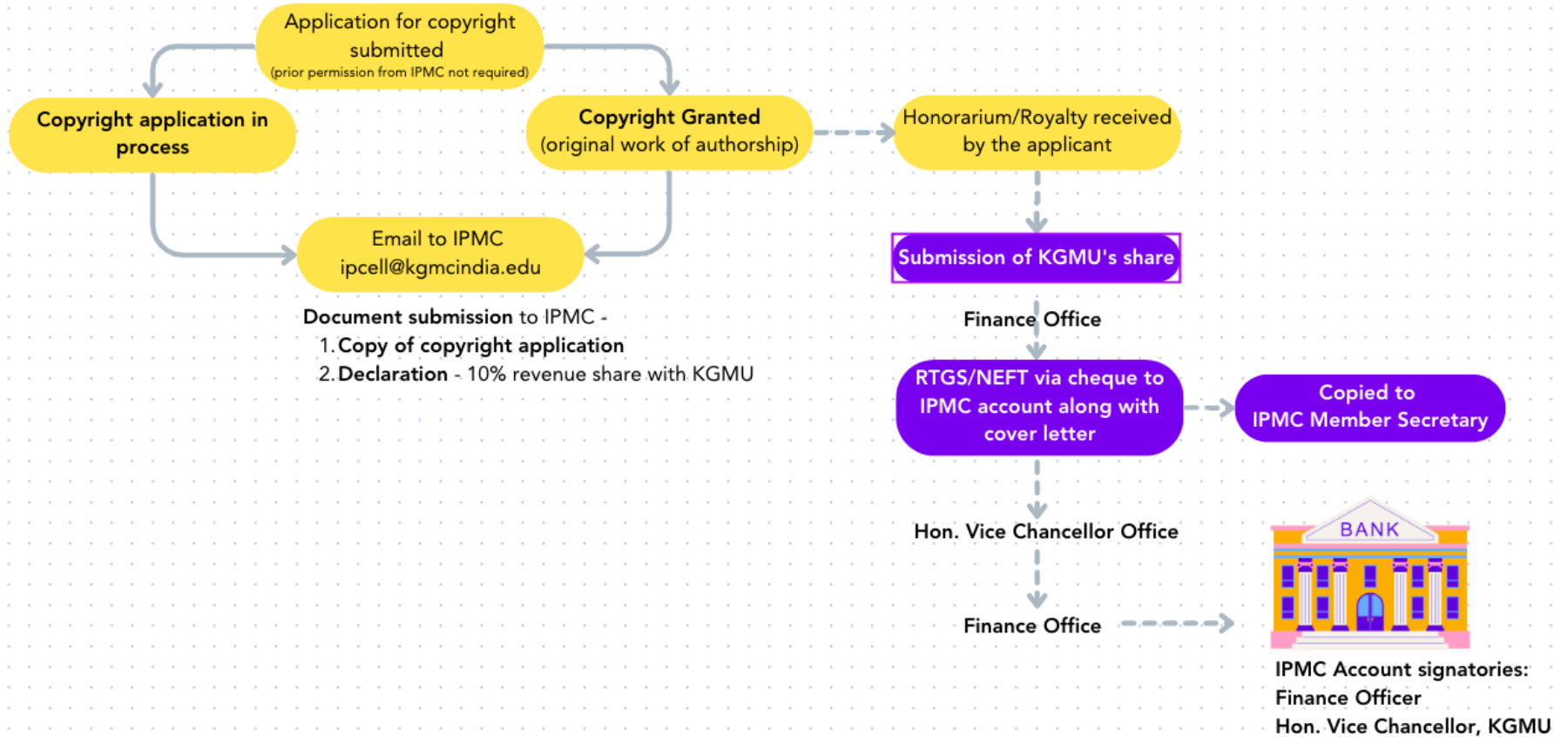


Figure 1: Steps for applications related to Copyright



4. REGARDING PATENTS

4.1 The beneficiaries (also inventors in case of patents) should read and understand clauses of KGMU's IP Policy pertaining to Patents as per nature of their project/ research work (eg. sponsored, non-sponsored etc., multipartite etc.).

4.2 In order to apply for patent filing via KGMU, the inventor(s) are supposed to:

- a) Download Invention Disclosure Form (IDF) (Annexure-2) from www.kgmu.org and fill the particulars of the form
- b) Send a cover email enclosed with duly signed and stamped Invention Disclosure Form (IDF) to IPMC (ipcell@kgmcindia.edu); or
- c) Contact any of IPMC members for assistance

4.3 Once the IDF is received, IPMC would screen the application for basic patentability as per Indian Patents Act, 1970 (especially focussed to Section 3), and arrive at a conclusion on whether the invention is eligible for university support or not.

4.4 At this point of time, inventor(s) may be called to present or showcase the invention to IPMC members.

CASE A: The invention is approved for university support:

- a) The inventor(s) would be informed via email and inventor(s) would be asked to submit the following documents :
 - i) Commercial Rights Agreement (between inventor(s) and university)
 - ii) Declaration-2 (Annexure-4) by the inventor(s) (available on KGMU website)
- b) Upon receiving the documents, the IDF would be submitted to the KGMU's IP facilitator and the inventor(s) would be connected to the representative handling their application.
- c) Copy of the Non-disclosure agreement would be forwarded to the inventor(s) as proof of confidentiality.
- d) Henceforth, the application would be handled by the facilitator and techno-legal assistance would be provided to the inventor(s).

CASE B: The invention is not approved for university support:

- a) The inventor(s) would be informed via email.



- b) The inventor(s) may be allowed to file applications on their own, requests need to be made to IPMC (ipcell@kgmcindia.edu). No objection certificate needs to be obtained from IPMC
- c) Whichever case, the inventor(s) would be asked to submit the following documents :
 - i) Commercial Rights Agreement (between inventor(s) and university), if applicant is KGMU Lucknow
 - ii) Declaration-3 (Annexure-5) by the inventor(s) (available on KGMU website)

4.5 Licensing / Commercialisation: In case patent is granted, followed by commercialisation and licensing in future, the applicant need to submit the following to IPMC:

- a) Copy of Patent Certificate
- b) 20% revenue/royalty share of KGMU via steps 3.6 to 3.8 (Figure 1)

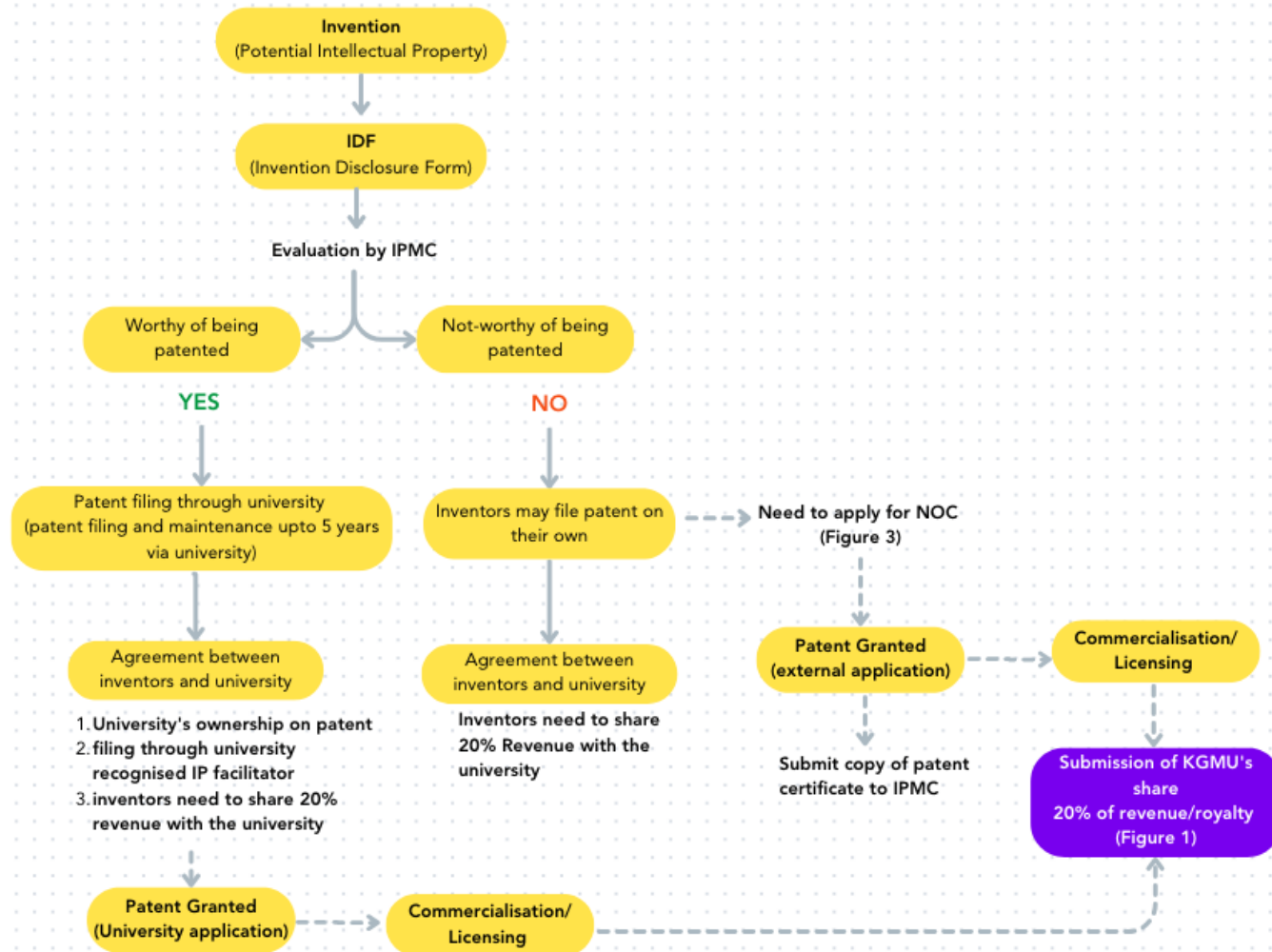


Figure 2: Steps for applications related to patents

5. ISSUING NO OBJECTION CERTIFICATE (NOC)

5.1 In case beneficiaries are allowed for filing copyrights or patents applications through external IP facilitators (on prior permission basis for patents), a No Objection Certificate (NOC) may be needed to be issued by IPMC.

5.2 In order to obtain NOC for copyrights, the beneficiaries need to submit an application to Hon. Vice Chancellor and write an email to the Member Secretary, IPMC.

5.3 The letter may also be forwarded to Member Secretary, IPMC via Hon. Vice Chancellor.

5.4 The matter may be discussed in the IPMC meeting and decision on issuance of NOC would be taken as per discretion of Hon. Vice Chancellor. The final decision along with NOC (if approved) would be sanctioned to the beneficiaries/applicants of patents/copyright.

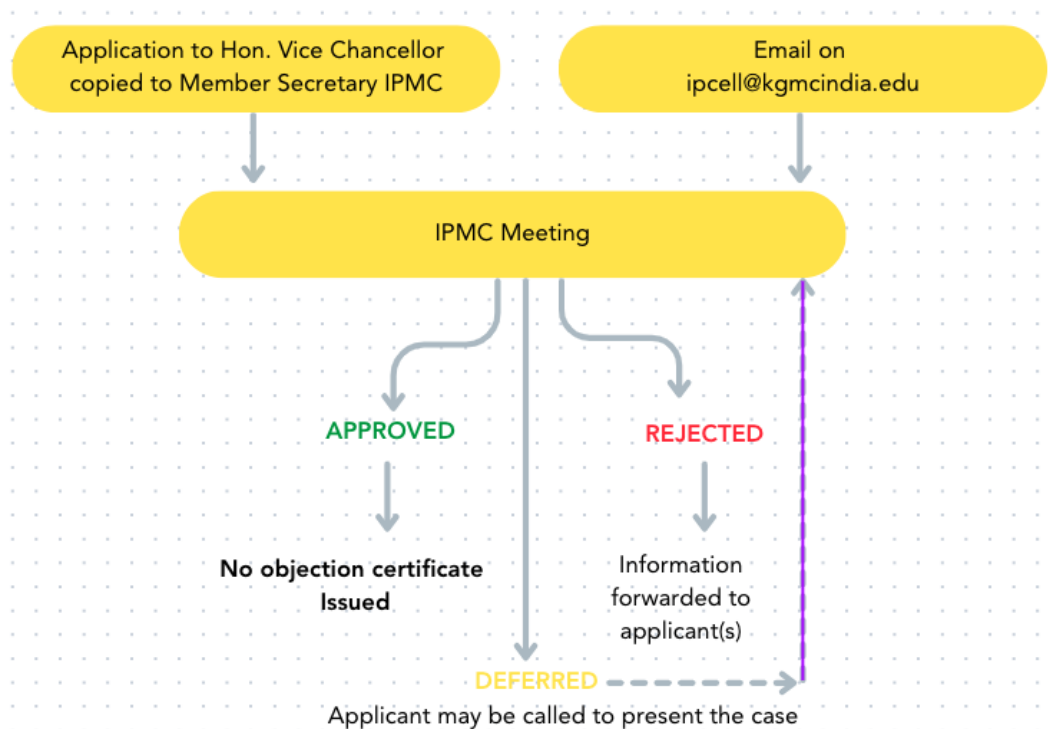


Figure 1. Steps to obtain No Objection Certificate from IPMC



6. OTHER RULES

5.1 KGMU Lucknow may regulate the principles of ownership of IP Rights and profit sharing based on IP policy, employment contracts and other contractual arrangements.

5.2 Expenses like preparing and providing CDs or any other medium, courier or others which may be necessary under IP laws, if any, shall be borne by the applicant/beneficiaries.

5.3 Any expenses related to affidavit or notarisation preparation is to be borne by the applicant/beneficiaries.

5.4 In any situation, which is not covered here, or in cases of any conflicts, the decision of IPMC, KGMU Lucknow will remain final and binding to all IP Facilitators and beneficiaries of this SoP and IPR Policy.

5.5 IPMC, KGMU Lucknow reserves the right to modify the terms, conditions and working of this SoP without prior notice to any parties.

5.6 All disputes arising under the scope of this SoP and IP Policy are subjected to the jurisdiction of Lucknow Court.



INTELLECTUAL PROPERTY MANAGEMENT CELL
STANDARD OPERATING PROCEDURE
For Faculty/Students/Research Staff/Scholars/Fellows
SOP ID : SOP01/IPMC/KGMU/23
SOP original version: V1

Annexure-1

L.T. GEN. (DR.) BIPIN PURI
PVSM, VSM (RETD.)
VICE CHANCELLOR
लेफ्टिनेंट जनरल (डॉ०) बिपिन पुरी
वी०बी०एच०एम०, वी०एच०एम० (सेवाविरल)
कुलपति



KING GEORGE'S MEDICAL UNIVERSITY
U.P., LUCKNOW
किंग जार्ज चिकित्सा विश्वविद्यालय, 30प्र०
लखनऊ

Ref: No: KGMU/VC/269/2022,

Dated: December 02, 2022

CIRCULAR

An **INTELLECTUAL PROPERTY MANAGEMENT COMMITTEE** of KGMU comprising of the following members is hereby constituted with immediate effect for the proper and timely implementation of the IP Policy in the University:-

1-	Vice Chancellor	Chairperson
2-	Prof. Rishi Sethi Department of Cardiology	Member Secretary
3-	Prof. Hardeep Singh Melhotra Department of Neurology	Member
4-	Dr. Pooja Ramakant Department of Endocrine surgery	Member
5-	Dr. Sujeeta Kumar Kar Department of Psychiatry	Member
6-	Representative from BCIL	Member
Ms. Himanshi Singh, Program Manager, SIB-SHIne will manage & maintain the records of Intellectual Property Management Committee (IPMC)		

(Lt. Gen.(Dr.) Bipin Puri)
Vice Chancellor

Distribution:

- 1- Above concerned members, KGMU, Lko.
- 2- Circular Book.



INVENTION DISCLOSURE FORM

Title of Invention								
Particulars of Applicant(s)								
Name		Designation		Department/Unit		Telephone /email		
Stage of your invention		Only Hypothesis <input type="checkbox"/>		Preliminary experiments <input type="checkbox"/>		Proof established <input type="checkbox"/>		
						Invention is completely Ready <input type="checkbox"/>		
Provisional Application <input type="checkbox"/>		Complete Application <input type="checkbox"/>		If already filed, please give Patent No. and date				
Funding resource (Please Mention)		KGMU (Intramural)		Govt. Agency		Departmental		
						Public Private Partnership		
Any pre-existing agreement signed			Yes <input type="checkbox"/>		No <input type="checkbox"/>		If 'Yes' please enclose the copy	
Existing Patent search Done			Yes <input type="checkbox"/>		No <input type="checkbox"/>			
Potential market area of your invention	Pharmaceutical Industry		<input type="checkbox"/>		Focus group of your invention		Patients	<input type="checkbox"/>
	Biotechnology Industry		<input type="checkbox"/>				Industry	<input type="checkbox"/>
	Medical and surgical aids		<input type="checkbox"/>				R & D platform	<input type="checkbox"/>
	Consumer		<input type="checkbox"/>				Consumer	<input type="checkbox"/>
	Others (specify)						Others(specify)	
Do you require any fund for developing your invention (mention if you have requested anywhere)				Yes <input type="checkbox"/>		No <input type="checkbox"/>		Any Other
Any provision/agreement with funding source to share IPR charges (Specify)								

Undertaking

Hereby we accept that this is a novel finding of my/our group for which I/we take total responsibility of the ownership. I/We also admit that this part of work is not published, presented in any conference, and/or abstracted in print or electronic media. All the information given above is true to the best of our knowledge.

By checking this box hereby i/we accept the responsibility (for electronic transmission of record)

Name and Signature with Date

(With original signature please send the application to IPMC for decision)

Applicant	Signature with Date



Inventors	Signature with Date
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Please attach the following documents:

Check List

For Provisional Patent Application

(Check the box to indicate the enclosure)

- Brief Abstract of Invention (within 500 words)
- Objectives of the invention
- Novel features of the invention
- Advantages over other known alternatives worldwide
- Copy of Non-Disclosure Agreement Signed by inventor(s) (later)
- Any Pre-existing agreement with any funding agency (if applicable)
- Key words



For Complete Patent Application
(Check the box to indicate the enclosure)

- Existing state-of-art: (Give full details, include research papers or patents depicting prior art)
- Drawbacks in existing state-of-art & how the drawbacks have been overcome by your invention:
- Detailed description (The detailed description should be accompanied with diagrams; drawings neatly labeled and must be related to the description):
- Drawings/Diagrams neatly labeled.



DECLARATION

(Copyright)

Name:

Designation:

Department:

1. I/We declare that information regarding copyright titled "....." submitted by owners "....." to IPMC is true and accurate, wherein any false submission may be regarded as professional misconduct and invite strict disciplinary action.
2. I/We understand and agree terms and conditions mentioned in KGMU's IP Policy.
3. I/We agree to provide timely information to IPMC, regarding the status of copyright application.
4. I/We agree to share 10% of the total revenue earned by any formal/informal means by the virtue of said copyright, with King George's Medical University.

Signature(s) (with stamp)

Date.....



Annexure-4
To be submitted on Rs 100 Judicial Stamp Paper

DECLARATION

(When IPMC agrees to support patent filing)

Name:

Designation:

Department:

1. I/We declare that information submitted through documents to IPMC is true and accurate, wherein any false submission may be regarded as professional misconduct and invite strict disciplinary action.
2. I/We understand and agree to file the patent application, titled - "....." through university recognized IP facilitator, as per the IP Policy.
3. I/We certify that the patent granted through application facilitated by the university is owned by King George's Medical University as an applicant, whereas I/We agree to be inventor(s) in said patent.
4. I/We agree that processing patent application through university does not imply successful grant of the patent under any circumstances.
5. I/We agree to share 20% of the total revenue earned by licensing said patent (if patent is granted) or revenue earned by any formal/informal means by the virtue of said patent, with King George's Medical University.

Signature(s) (with stamp)

Date.....



Annexure-5
To be submitted on Rs 100 Judicial Stamp Paper

DECLARATION

(If IPMC disagrees/defers patent filing)

Name:

Designation:

Department:

1. I/We declare that information regarding invention titled "....." submitted through documents to IPMC is true and accurate, wherein any false submission may be regarded as professional misconduct and invite strict disciplinary action.
2. I/We understand and agree terms and conditions mentioned in KGMU's IP Policy.
3. I/We agree to provide timely information to IPMC, in case the patent application is pursued by the inventor(s) on their own.
4. I/We agree to share 20% of the total revenue earned by licensing said patent (if patent is granted) or revenue earned by any formal/informal means by the virtue of said patent, with King George's Medical University.

Signature(s) (with stamp)

Date.....



7. IP RECORD

All the records will be maintained by Manager - IP Operations, IPMC in hardcopy and softcopy as under:

1. Patent Records: For the life of patents + 5 years

- Copy of invention disclosures
- Copy of emails
- Copy of declarations and agreements
- Copy of financial statements

2. Copyright Records: For the life of copyrights + 5 years

- Application forms
- Proof of Revenue/Honorarium receipt
- Copy of Emails
- Copy of declarations and agreements
- Copy of financial statements

3. Agreements & Licenses: Up to the date of Expiry + 5 Years

4. Minute of the Meeting: Lifetime

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