



## Policy on Intellectual Property Rights

### 1.0: Objectives

**1.1.** TERI SAS creates Intellectual Property as part of its academic and research activities. Its work is underscored by its mission to build and share knowledge and information responsibly and openly for the larger purpose of the public good. TERI SAS aims to share its body of work as openly as possible, for the benefit of people at large. Any personal benefits or commercial gains of its work are incidental to its purpose of creating public good.

**1.2:** This Policy applies to all *Personnel* (as defined below) and all *Non-TERI SAS Personnel* associated with TERI SAS in its academic, research and other activities and covers different classes of Intellectual Property including Copyrights, Patents, and all other types of Industrial Properties.

### 2.0: Definitions:

**2.1: Personnel-** All students, employees, consultants and collaborators of TERI SAS engaged through a contract / any academic, research or any other activity /research or academic requirements of the Programmes offered by TERI SAS shall be called as *Personnel*, and all others shall be called as *Non-TERI SAS Personnel*. *Personnel* and *Non-TERI SAS Personnel* may also include juristic persons.

**2.2: Intellectual Property** includes Copyrights, Patents and other types of Industrial Property such as trademarks, service marks, logos, design, trade secret, confidential information and Integrated Circuits Layout *etc.* that are defined and interpreted as per the laws of the land from time to time.

**2.3: Copyright-** as defined and interpreted in the laws of the land from time to time as Copyright and Related Rights.

**2.4: Patents and other Industrial Property-** as defined and interpreted in the laws of the land from time to time.

**2.5: TERI SAS Resources** - shall include both ‘Usual TERI SAS Resources’ and ‘TERI SAS Supported Resources’:

**2.5.1: Usual TERI SAS Resources** -includes all laboratory and equipment, all research facilities, office space and facilities, official working hours of the Personnel, computer/computer networks/software, library including the digital library, Secretarial and Administrative services, Intellectual Property already owned by TERI SAS and all other kinds of academic/research support provided at the financial cost of TERI SAS.

**2.5.2: TERI SAS-Supported Resources** includes the time, effort, and intellectual inputs of Personnel with the use of ‘Usual TERI SAS Resources’ and diminution by the TERI SAS of any or all of the standard responsibilities of Personnel to offer time or resources for the purpose of creating Intellectual Property.

**2.5.3 TERI SAS Resources shall also include:**

**2.5.3.1: Financial Resources:** Financial support provided by TERI SAS over and above the regular salary/perks as per employment/enrolment/sponsorship contract or over and above the scholarship provided to students/research scholars and includes:

- i. Funds given by the TERI SAS to protect, preserve and implement rights in Intellectual Property.
- ii. Funds given to create, exploit and/or commercialize intellectual Property.
- iii. Fees exemption by the TERI SAS for the usage of any facility or apparatus.

[Exception: Awards, Honours, Fellowships, Prizes, Scholarships and facilities manufactured with such funds, shall not constitute TERI SAS Resources. The infrastructure established by private funds of Personnel shall also not constitute use of TERI SAS Resources]

**2.5.3.2: Intellectual Property Resources-** Intellectual Property already in existence and owned by TERI SAS and usage of the name, logo, or trademark of TERI SAS in the creation and marketing of Intellectual Property shall be a part of TERI SAS Resources.

**3.0: Ownership of the Intellectual Property:**

**3.1: Copyrights** –Ownership of Copyright of all copyrightable work shall rest with the Personnel with the following exceptions:

**3.1.1:** TERI SAS shall be the Copyright owner of the work created by Personnel with the use of TERI SAS Resources. The TERI SAS may demand assignment of the Copyright in whole or in part depending on the degree of use of TERI SAS Resources used in producing the copyrightable work. The Moral rights shall remain with the Personnel even when Copyright is vested with TERI SAS.

**3.1.2:** TERI SAS shall be the owner of all teaching material developed by Personnel as part of any it's academic programmes. However, the Personnel shall have the moral right to use the material for an academic or research purpose.

**3.2: Patents and other Industrial Property:**–Patents and other Industrial Property invented by ‘Personnel’ with the use of TERI SAS Resources shall be owned by TERI SAS in full or in part depending upon the ratio of use of TERI SAS Resources.

**3.2.1:** TERI SAS may undertake procedures to commercialize its rights in Patents and Other Industrial Property owned by it. If the Intellectual Property is owned by TERI SAS in part with the Personnel and/or Non-TERI SAS Personnel, such commercialization shall be done through a separate written contract, and all costs and benefits of commercialization shall be shared proportionately.

**4.0: Sponsored Research:** For Intellectual Property created/generated during the course of sponsored and/or collaborative activity, definite provisions related to Intellectual Property specified in contracts dealing with such sponsored/collaborative activity shall regulate the ownership of Intellectual Property.

**4.1:** TERI SAS shall be the owner of all Intellectual Property created with the use of funding from sponsored /collaborate activity where the Sponsor/Collaborator does not claim intellectual property rights.

**5.0: Appropriate Authority:** The Authority designated by the Vice-Chancellor to assess the use of/proportion of use of TERI SAS Resources used by the Personnel to create Intellectual Property and decide whether substantial use of TERI SAS Resources has happened.

**6.0: Disclosures, Confidentiality and Assignment of Rights:** Disclosure is an important process of Intellectual Property protection. It documents claims of inventorship, the duration/date and other details of the work.

**6.1:** The provisions of the contract pertaining to disclosure and confidentiality shall be followed in sponsored and/or collaborative activity.

**6.2:** For a Personnel who wish to protect their Intellectual Property, created other than through sponsored and/or collaborative work, and without the use of any TERI SAS Resources shall disclose full details (including the period of creation/invention etc.) with the Appropriate Authority of TERI SAS at the earliest date and claim personal ownership in full or in part. The Appropriate Authority of TERI SAS shall decide on such claims and shall record the same in the ‘TERI SAS Intellectual Property Register’ maintained for the purpose. The Personnel shall also disclose details of all works where there are no claims of use of personal time and resources and shall assign the rights to TERI SAS.

**6.3:** All TERI SAS personnel and non-TERI SAS personnel affiliated with any activity of TERI SAS shall treat all information regarding Intellectual Property that belongs to TERI SAS/that are assigned to TERI SAS as per this Policy as ‘confidential’. They shall not take any steps to commercialize the same or transfer the information to anyone else.

**7.0: Royalty Sharing:** Royalty accruing, or any type of payment or benefit received from the commercialization of TERI SAS-owned intellectual property shall be shared between the TERI SAS and the Personnel and Non-TERI SAS Personnel in proportion to the ratio of ownership over that Intellectual Property.

**8.0: Resolution of disputes:** In case of disputes between the Personnel and TERI SAS regarding any aspects of this Policy, the aggrieved party may approach the Appropriate Authority. If the aggrieved party is not satisfied with the decision of the Appropriate Authority, the party may appeal to the Vice-Chancellor of TERI SAS. The Vice Chancellor’s decision shall be final and binding.

**9.0: Jurisdiction:** All dispute(s) arising with respect to the implementation of this Policy shall be subject to the legal and territorial jurisdiction of the Courts of Delhi only.