



MAHARASHTRA EDUCATIONAL SOCIETY'S

# H. K. COLLEGE OF PHARMACY

Approved by A.I.C.T.E., D.T.E., Govt. of Maharashtra & Pharmacy Council of India, Affiliated to Mumbai University

UNIVERSITY CODE NO. 738

A.I.C.T.E. APPROVAL NO. 06/07/MS/PHARM/2006/2007

D.T.E. CODE NO. PH3234

## POLICY TOWARDS INTELLECTUAL PROPERTY RIGHTS

### PREAMBLE

Innovative Technologies and inventions may result from research or educational activities performed by members of the academic community. H. K. College of Pharmacy is committed to disclose and utilize ideas and discoveries for the greatest possible public good; to protect the rights of the College faculty, staff, and student body, as well as those of the institution itself; and to abide by the regulations of agencies providing funds for sponsored programs.

### APPLICABILITY

Any invention or technology by an individual (hereinafter referred to as "INVENTOR") who made the invention or develop the technology within the normal field of his or her employment responsibility, education and activity with the College, and makes use of H. K. College of Pharmacy Resources, shall be subject to the provisions of the H. K. College of Pharmacy Policy towards IPR.

### RESPONSIBILITY

To protect academic priority as well as commercial priority, any Inventor(s) making any Invention or Technology subject to this policy is responsible to report it promptly in writing and in reasonable detail to the IPR head and The Principal of H. K. College of Pharmacy prior to Publication, presentation and /or Public disclosure.



### OWNERSHIP

- All Inventions or Technologies to which this policy applies will be owned by H. K. College of Pharmacy (hereinafter referred to as "APPLICANT").
- Where the H. K. College of Pharmacy has entered into an agreement for a project sponsored by a government agency or private firm, the terms of that agreement will govern the disposition of patents and licenses.
- Where the inventor(s) such as guide, co-guide and student are co-applicant along with H. K. College of Pharmacy, then the percent ownership will be dependent upon the contribution towards the generated IP and it will decide mutually at the time of protection of IP rights.

### IP POLICY

- All inventors will voluntarily assign the Inventions to the H. K. College of Pharmacy and are subject to the remaining provisions of the IP Policy.
- All the IP generated at the institute, H K College of Pharmacy, by faculty and/ student shall be jointly possessed by the institute and the faculty and/ student; Faculty and / student shall not file/ possess the IP in isolation. In case attempted, there shall be legal prosecution.
- The inventor(s) should not assign, license or otherwise transfer rights in Inventions and Technologies that are subject to this IP Policy to any other party; on the contrary, only the H. K. College of Pharmacy may do so with mutual consent of Co-applicants and all inventors.



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- All the cost towards protection of IP will be beared by Applicant(s) and Co-applicant.
- Where the inventor(s) such as guide, co-guide and student are co-applicant along with H. K. College of Pharmacy, the cost incurred for protection of IPR will be bear by all the applicants, excluding students. The distribution of tentative preliminary cost among the Applicants is mentioned in Annexure I.
- Members of H. K. College of Pharmacy who enter into consulting or other agreements with parties outside of the college must ensure that such agreements contain no requirement to assign, license or otherwise transfer rights in any Inventions and Discoveries.
- In those cases where the funded project by external agency/sponsored project, the commercial benefit arising from IP generated at H. K. College of Pharmacy shall be mutually decided on case to case basis from time to time, based on the agreement policies of the external agency / sponsors.
- The inventors working on the project (faculty, staff, and students) are required to treat the sponsor's data and IP data as confidential.
- None of the inventor or Co-applicant shall work on similar line of project for next 3 years if they are withdrawn from the project that is under IP protection. If done so will be legally prosecuted.
- The H. K. College of Pharmacy, co-applicant and the Inventor(s) will share in the net income received from intellectual property as decided mutually at the time of protection of IP rights and percentage of sharing can be developed under the specific project agreement.



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- In those cases where the funded project by external agency/sponsored project, the proposed contractual requirements of a sponsor are contrary to the H. K. College of Pharmacy's IP Policy and cannot be reasonably negotiated, the IP Head along with Principal, in consultation with the appropriate member of management, will determine whether to accept the proposed sponsorship.
- The H. K. College of Pharmacy along with the Principal will take reasonable efforts, using whatever means seem best to develop, market, and license or otherwise commercialize each Invention, consistent with the provisions of this policy.
- Any financial burden drawn in terms of Loan or similar type of thing for the further development of project like spinoff-company, Pilot plant setup should be done by prior approval of applicant(s).
- Any further development as spinoff or commercialization of invention work should be done with mutual consent of inventors and applicants.
- The applicable royalty percentage receiving from the commercialization of IP generated will be divided among the applicant and co-applicant as per their contribution towards IP generation. Same is tabulated in annexure I.
- The applicable royalty to student(s) worked as inventor shall be mutually decided on case basis and will be given in fixed amount upon commercialization of the patent.
- The maintenance cost of IP shall be beared by Applicant who is cherishing long term benefit/royalty from the commercial income of IP generated.
- Where the guide, co-guide and/or student are co-applicant along with H. K. College of



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Pharmacy, then he / she has to enter into agreement by signing of specific  
'MEMORANDUM OF UNDERSTANDING' between Applicant and Co-applicant  
along with Consent Form.

*ANNEXURE I*

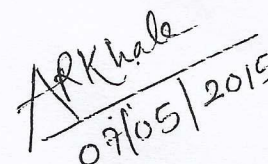
Applicant in Patent	IPR filing cost Rs.	Total Expenses Rs.	Sharing of royalty After Commercialization
College as an applicant	6600/- (wrt application fees) 9375/- (wrt examination fees)	15,975/-	50%
Faculty as co-applicant	2200/- (wrt application fee) 3125/- (wrt examination fee)	5325/-	50%

The amount would proportionately change with the change in the fees.

Sign: 

Date: 07/05/2015

Mr. Waseem Khan  
General Secretary

  
07/05/2015

Dr. Anubha Khale  
Principal