



**MAHATMA GANDHI UNIVERSITY**  
*of*  
**MEDICAL SCIENCES & TECHNOLOGY**  
JAIPUR



# **MGUMST INTELLECTUAL PROPERTY RIGHTS (IPR) POLICY**

  
**REGISTRAR**  
Mahatma Gandhi University of  
Medical Sciences & Technology  
Sitapura, JAIPUR-302 022

**Approved by the Academic Council in its meeting held on December 24, 2020**

**Mahatma Gandhi University of Medical Sciences and Technology (MGUMST), Jaipur reserves the right to modify the above policy as deemed fit from time to time**

**Campus:**

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Website : [www.mgumst.org](http://www.mgumst.org) | E-mail : [info@mgumst.org](mailto:info@mgumst.org) | **Sponsoring Body : India Education Trust**



### **Vision of the University**

- To develop MGUMST as an Institution of Excellence, at par with Global standards, in the field of healthcare and allied sciences.
- To amalgamate our colleges, departments, students and alumni to impart world class research and education, aimed at making a positive difference in the healthcare at the national and global level.
- To achieve overall development of learners, including character and moral values, by imbibing a culture of inquisitiveness, inclusion, collaboration and innovation.
- To ensure equality amongst diversity in all respects, reflecting the true Gandhian principles, so that everyone gets a fair opportunity and the best of minds and talent may be recognised and allowed to flourish in the ever-changing competitive environment.

### **Mission of the University**

- To develop dynamic, self-dependent and world class Healthcare Institution dedicated in providing the best medical education and clinical treatment.
- To develop the best healthcare practices in the community, with a spectrum ranging from preventive health measures to excellence in tertiary care, with an aim to establish a healthy, disease-free society.
- To enrol students, staff and faculty in various clinical and non-clinical programs based on the principle of merit and impartiality, and without any discrimination of race, sex, non-disqualifying disability, caste, religion, and national or ethnic origin.
- To utilise the latest technology, as well as, to identify the best possible use of upcoming technology such as Artificial Intelligence to predict, prevent and treat various ailments and illnesses before they affect an individual or the community.

  
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## **I. Introduction**

The contemporary and stated Intellectual Property Rights (IPR) policy of Mahatma Gandhi University of Medical Science and Technology (MGUMST) endeavors to facilitate the protection and upliftment of intellectual property generated during the scientific pursuit (of knowledge/ resource) in the university and offer scope for ingenuity and commercialization. It targets the provision of unbiased intercession between the various interests involved.

## **II. Applicability:**

- The policy on intellectual property rights (IPR) is applicable to Employees, faculty members, staff (permanent and temporary), visiting scholars, fellows, research scholars and student associated with MGUMST and include, but is not limited to, those who are directly under the university payroll and/ or receive assistance in the form of fellowships, scholarships, honorarium, either from MGUMST or from outside government and private institutions/ agencies.
- Various forms of Intellectual property under this policy include, but does not limit to patent, copyright, trademark/service mark.

## **III. Ownership of IP:**

- An invention for which an intellectual property application is filled where in the university resources like space, equipment and facilities are utilized and when the applicant(s) receive financial support towards professional and statutory fees for acquiring such intellectual property, the assignee of such intellectual property will be MGUMST
- Individual(s) who obtains a patent or any other form of intellectual property or introduces an invention into public domain without use of resources from the university or outside their regular assigned duties during official hours under terms of their appointment with the university, and without substantial involvement by university personnel, shall retain full IP rights.



#### **IV. Copyrights:**

- Any original work of intellectual nature can be protected under copyright law. Ideas per se are not copyrightable but only in their expressed form.
- When the copyrightable, pedagogical, scholarly, and other literary and artistic works, specified as copyrightable work under relevant Copyrights Act as amended from time to time by the government, which are created for MGUMST, the author shall retain ownership of their original work, while at the same time granting MGUMST and all implementers of its specifications full rights to revise, modify, and create derivative works based on that original work, under the MGUMST's own copyright.
- If the University foresees a gainful return from copyrights it may initiate steps to file and protect such copyrights and share the financial rewards with the inventor on terms and conditions of the university as specified from time to time.
- Copyrights on books and publications authored by MGUMST personnel shall be in the name of the respective authors.

#### **V. Inventions and Patents:**

- An idea when manifested in tangible form is patentable, provided it fulfill(s) the below criteria for patentability:
  - Non-obviousness (the invention should be non-obvious to the person skilled in the art)
  - Utility (it should be commercially applicable) and
  - Novelty (invention may relate to a new product or an improvement of an existing one or a new process of manufacturing and existing or a new product).
- If such a patentable invention is developed at MGUMST, and qualifies for protection under the relevant acts of government related to patent, then patent belongs to MGUMST. It can be in the form of know-how, solutions, processes, genetically engineered microorganisms, scientific or technology developments, business models and other forms as the need arises. The filing of a patent application shall be with the researcher as name inventor.
- In such instance or instances where the patent is owned by the university, the inventor or inventors have the right on such form of intellectual properties till the time protection of such intellectual property is agreed upon by the university and inventor(s)



or the life of such intellectual property according to relevant acts has expired. The university also reserves the right to initiate discussions on sale/ license or technology transfer of patents or other forms of intellectual property as the case may be, and which are deemed suitable for such activity. In an event of successful outcome through sales/license or technology shall be as specified in the royalty sharing clause mentioned below.

- Whenever there is any patent, which is obtained under research or a related activity between an external sponsor and the university, then it is subject to agreement between the involved parties.

## **VI. Royalty Sharing:**

- Net revenue received by the university through sale/license or technology transfer of intellectual property of such inventions or creative works, royalty shall be distributed as per MOU, unless otherwise specified in arrangements for commissioned works.
- In case of an intellectual property jointly held by the constituent institutions (schools/departments) of MGUMST, the distribution of share to inventor(s) department has to be communicated by the lead investigator to the university and mentioned in the MOU.
- In an event when more than one inventor contributes for the generation of the intellectual property than the percentage of royalty shall be equally shared among the inventors, contingent upon such invention being sold, licensed or transferred under technology transfer agreement with third party(ies). No royalty shall be claim by the inventor(s) for patents, which fail to generate interest for sale, licensing or technology transfer.

## **VII. Conflict of Commitment & Interests:**

- To manage and minimize conflict over intellectual property rights, all potentially patentable inventions created or discovered by faculty in the course of their University activities, or with use of University resources, must be disclosed to the University on a timely basis.
- The inventor(s), to the respective Head of Institutions, should disclose any conflict of interest.



- MGUMST discourages its employees, faculty members, staff (permanent and temporary), visiting scholars, fellows, research scholars and students against any legal recourse. In case of any disputes regarding the implementation of intellectual property policy, efforts shall be made to address to the concerns of the inventor(s) by developing and incorporating an arbitration mechanism and arrangement, or any other suitable mechanism as agreed upon by the parties and arrive at an amicable solution. The decision taken in this regard by the competent authority of MGUMST or through arbitration shall be final and binding to all the parties under dispute.

### **VIII. Infringement:**

- MGUMST shall retain to engage in or abstain from any lawsuit concerning patent and license infringements.
- MGUMST shall ensure that MSUMST personnel have an insurance clause built into the agreement with the licensee(s) while transferring technology or copyrighted material to licensees.

### **IX. Modus Operandi:**

- All applications for patents should be dispatched to Head of Institution, irrespective of whether the inventions have resulted from the in-house research/project, or projects under sponsored activity. The Head of Institution must ensure that the foreseeable intellectual property under discussion is not revealed in public domain or discussed with people not connected with the research pertaining to intellectual property.
- The applications for patent or any other form of intellectual property shall be analyzed/inspected by the Intellectual Property Rights Cell (IPR Cell). The inventor(s) are required to make a brief presentation of their inventions to the IPR cell of the University. Based on the outcome reached through discussion by the Board members with the research team, reimbursement of application fees may be approved, leading to commencement of further processing of the application through the approved agency.
- If the inventor(s) decide to abandon or withdraw the application for a patent at any stage after filing of application, prior approval of the IPR Cell is mandatory.

