



St. John's National Academy of
Health Sciences

Intellectual Property Rights (IPR) Policy 2022

CBCI Society for Medical Education

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Oversight officer(s)	Associate Director – College & Research Institute Associate Director – Finance
Approving Authority	Governing Board – CBCI Society for Medical Education

Executive Summary – IPR Policy, SJNAHS (CBCI-SME)

Introduction

1. The SJNAHS (CBCI-SME) IPR Policy aims to facilitate Intellectual Property Rights (IPR) protection for a novel product, process, work and to keep it in the public domain as is deemed fit.
2. It aims to motivate the Faculty, Scientists, Researchers, students, and staff of SJNAHS to secure patent or IPR protection and facilitate technology transfer of their inventions for the larger societal benefit.

Purpose

1. To enable the Institution on working and encouraging research activities in various areas of healthcare, to protect the IP generated by the Academy Employees/Students and visitors in accordance with the 'commitment' of CBCI-SME and the 'role' assigned to it by the society.
2. To provide a framework for the administration of the IPR policy with regards to the ownership and management of the IP created by the Academy's Employees/Students.
3. To enable the practice of IP protection that is in line with the national and international practices and guidelines and to avoid IPR infringements/conflicts.

Scope

1. The IPR policy shall be applicable to all the IP created by the Academy's Employees, faculty, researchers or Students.
2. It would also be applicable in case the Academy's faculty, researchers, employees or students collaborate with faculty or students of other institutions or organizations

Academy IPR Office

The Academy IPR Office will work closely with the St Johns Health Innovation Foundation (Section-8 not-for-profit company) and the Academy's IPR Committee (AIC) to work the invention. This committee will include:

- Chairman – Associate Director, SJMC and SJRI - Ex-officio
- Co-Chair - Dean, SJRI - Ex officio
- Members (3 Nos.) * - To be nominated by the Director, SJNAHS
- Member - Associate Director – Finance - Ex-officio
- Member – Accounts Officer (Research-SJRI) - Ex-Officio
- Member – Director, St. John Health Innovation Foundation - Ex-officio
- Member – IPR lawyer.
- Other internal and external members as appointed by the Director, SJNAHS

Roles of the Academy IPR Office

1. IPR education and awareness of the faculty, students, researchers, employees
2. Catalyst role in evaluation of ideas and innovations and conversion from the conceptual stage to the fabrication/deployment stage, along with the registration of the IPR
3. Advising the inventors and innovators for the most ideal mean for protecting their IPR.
4. Coordinating and facilitating partnerships with other institutions for generating IP and enabling IP sharing between institutions and other entities, that is jointly developed.

IPR Policy

1. The Academy will actively encourage and facilitate research with priority being accorded to innovations in various fields of healthcare and seeking innovative solutions for neglected healthcare problems, with a thrust for economic innovativeness/non-obviousness.
2. The Academy strongly advocates in the uplifting the health of the society and downtrodden and will take all efforts to ensure that all its innovations are geared towards the benefit of the lower segments of the population specifically to the maximum possible extent.
3. This IPR policy will be guided by the Statutory laws, research regulations and ethical guidelines. The Academy IPR Office will encourage and guide all Academy faculty and students in their efforts to identify the innovative component of their research and seek adequate protection in advance of publication, to protect and exploit all new knowledge generated with the Academy's support.

Objectives:

1. To increase awareness amongst faculty, students and researchers of the need and responsibility to protect new knowledge generated
2. To promote academic freedom and safeguard the intellectual property rights of all those who are involved in the creation/invention of intellectual property at the Institute
3. To promote and administrative system and develop Standard Operative Procedures at the Academy to identify, evaluate and protect new IP generated within the Academy.
4. To provide information and guidance to students, faculty and research scientists on how to protect the IP generated by them.
5. To provide appropriate technological, professional and legal expertise and services required to register and protect their IP both nationally and internationally.
6. To encourage and promote research at the Academy with collaborating institutions and organizations for protecting and commercializing new knowledge generated with the Academy's support.
7. To develop an assignment and licensing policy that ensures the maximal health benefit for the society and provides a fair return on investment of research done in the Academy.
8. To develop and implement a royalty and consultancy policy at the Academy that encourages innovative faculty, students and researchers involved in health innovations. through a system of royalty sharing, and reward system.
9. To forge appropriate strategic alliances with national and international agencies and industry to market its new inventions and develop professional knowledge networks for the Academy's inventors/innovators.

Procedure for IPR Protection

This will include the following processes

1. **Disclosure of the invention** to the Academic IP Office through a checklist and documentation
2. **Evaluation of the IP** by the Academy IP Office
3. **Partial funding** for IP registration costs by the Institution
4. **Working the patent** through use, licensing, assignment or transfer

Implementation of the IPR Policy

1. The Academy's IPR Committee (AIC) will oversee and implement the IPR Policy
2. The functioning of the Academy's IPR Office (AIO) will be governed by the AIC
3. Changes to the IPR Policy will be brought by the AIO that have been approved by the AIC
4. The Academy, through the Director, will have full powers to create and amend administrative mechanism from time to time in view of the changing needs for facilitating the implementation of the IPR policy

5. **Dispute resolution:** In case of any dispute arising from the application or interpretation of the Policy, the aggrieved person will be by mutual discussion and consensus, failing which the dispute will be referred to a Dispute Settlement Body (DSB) formed by the AIC. In case the dispute is not settled in a satisfactory manner, the party can appeal to the Director of SJNAHS, whose decision shall be final.
6. In case of any violation/infringement of IPR of a faculty/student, an appropriate committee will be created to investigate and suggest recommendations to the Director, SJNAHS.

Ownership of the IPR

The following case scenarios will be applicable for different IP:-

Sl. No.	Stakeholder	Ownership	Revenue-Sharing
1	Staff/ Student/ Researchers/ Trainee using SJNAHS resources	In case the invention is made by the Staff/student of SJNAHS as part of their regular duties towards SJNAHS, then SJNAHS will be the owner, and will work the invention through SJHIF or any other entity created for this specific purpose	60% of the revenue will go to the Inventor(s), the share of each inventor may be decided by the Lead Inventor 20% would go to CBCI-SME for administration charges 20% to SJHIF for promotion of IPR activities
2	Staff/ Student/ Researchers/ Trainee not using SJNAHS resources	In case a faculty has conceived, developed and undertaken an invention out of his time and without using the resources of Academy, and may have engaged an external agency, then before the invention is patentable, he/she should approach the AIO for a No objection certificate to register/patent the invention	The AIC can assign a larger share of the revenues to the inventor(s) than to Institute In case of an unfavorable AIO decision not to protect or maintain the IP, the inventors would have the liberty to treat the IP the way they mutually agree upon without any interference from SJNAHS. SJNAHS will convey such decision to the inventor in writing.
3	Manufacturer(s) / Industry Partner(s)	Shall normally not be assigned any ownership. However, they may be assigned licenses or technology transfer agreements to manufacture the invention on a large scale.	Negotiable, based on support provided during the initial stages of product development and the investment (for production, designing, manufacturing, promotion), subject to the approval of the Director or the AIC
4	Sponsor	Shall not be assigned any IP ownership irrespective of the extent of support they provide	Assignment of ownership and IP rights may be done. The sponsor(s) will be eligible to claim a share of any revenue generated from the invention which shall be negotiable and proportionate to the support received and subject to the approval of the Director or the AIC.

Licensing and Assignment

1. An invention that is owned or co-owned by the Academy may be assigned through the Academy's IPR office to the SJHIF
2. SJHIF may commercialise or licence the invention
3. Further SJNAHS can use the invention for its internal use or concerned with its own activities.

Waiver of IP Rights by Academy

The Academy may waive its ownership and rights on any invention disclosed by the inventor(s) in favour of the inventor(s)

- (a) if it is established that such a waiver of ownership would be essential to enable dissemination of benefits of the invention to the society,
- (b) if it is required to enable the inventor(s) to seek funding for the further development of the invention(s)
- (c) if the Academy decides not to pursue the protection of IP within a period of six months of complete disclosure by the inventor to the Academy.

Intellectual Property Rights (IPR) Policy

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St. John's National Academy of Health Sciences

St. John's National Academy of Health Sciences (SJNAHS) is a self-financing private Institution owned by the Catholic Bishops Conference of India Society for Medical Education (hereinafter referred to as CBCI-SME). The CBCI-SME is the legal entity that owns St. John's Medical College, Bengaluru which was established in 1963, with the aim of training healthcare personnel committed to serving the underserved and underprivileged populations in the community.

The CBCI-SME consists of 5 administrative units:

- The Medical college (St. John's Medical College)
- A Multi-speciality 1850 bedded Teaching Hospital (St. John's Medical College Hospital)
- A Nursing College (St. John's College of Nursing)
- An Institute of Allied Health
- The Research Institute (St. John's Research Institute)

Objectives

St. John's strives to train and encourage health care professionals to reach out to the medically underserved of the nation. In this effort, it has succeeded in harmonizing dedication to excellence with a commitment to social justice in health care. The Objectives of the Academy are:

- Excellence in all fields of health care education
- Adequate Christian formation of the students
- Upholding respect for life, from the moment of conception to its natural end
- A genuine feeling of compassion towards the patients and their families as persons
- A special thrust to community health fostering the dimensions of participatory team work
- Serving the health needs of medically underserved areas of our country and our medically underprivileged brethren
- Acquiring the ability to do research and apply the advances in scientific knowledge to the relevant fields of work
- Striving towards promoting holistic health
- Acquiring an exemplary steadfastness to principles and moral values so as to be witness to a life of honesty and integrity.

Background

With the above-stated objectives, and in keeping with the global advances in knowledge in the biomedical Sciences, SJNAHS is committed to research, development of technology, and innovation in the biomedical sciences. In order to encourage such innovations and their translation into patient care for the larger benefit of humanity, and society SJNAHS has to preserve the fundamental spirit of academic research in the biomedical Sciences and be a catalyst for the acceleration of such innovations to scale up and reach the society more specifically the underserved populations in our Country.

To facilitate growth towards India becoming a knowledge economy, Intellectual Property Rights (IPR) is an

essential component to preserve the rights of the innovators/inventors and their parent Institutions. This present policy aims to facilitate Intellectual property protection for a novel product, process, work and to keep it in the public domain as is deemed fit. This policy aims to motivate the Faculty, Scientists, Researchers, students, and staff of SJNAHS to secure patent or IPR protection and facilitate technology transfer of their inventions for the larger societal benefit.

It follows that in the current environment of competitiveness, every individual and entity should protect their Intellectual property.

This Intellectual Property Rights (IPR) policy document is a guide and an awareness document for all the faculty, staff, and students of SJNAHS to understand, accept and work with IPR and raise awareness and involvement with "ownership of IP". It is also important to refer to these policy guidelines in case anyone requires to register their IPR as patents or other IP protection modes. Various IPR processes have been described including registration, ownership, commercialization, conflict of interest, SJNAHS royalty sharing, and others.

Definitions

1. **Innovation/Invention** – means any product, or a device, or a composition, or a process that provides a new way of doing something or offers a new technical solution to a real-time problem.
2. **Inventor(s)** – a person or a group of persons responsible for creating an IP.
3. **Academy** – means SJNAHS, or Catholic Bishops Conference of India Society for Medical Education (CBCI-SME), and its representatives or units
4. **SJNAHS Employee(s)** – means any person(s) who is employed by any of the units of CBCI-SME in full, part-time or contractual capacity
5. **SJNAHS Student(s)** – means any person(s) who has registered or enrolled as a full-time student, part-time student, short-term student, distance-learning student, casual student, research fellowship under the CBCI-SME, or an exchange student from other universities or colleges.
6. **First Party** – in all IPR issues, CBCI-SME (Institute) will be the First Party
7. **Second Party** – means any Inventor(s) who belong to the group of CBCI-SME Faculty, Employees or Students
8. **Third Party** – This refers to a third party (a governmental or non-governmental or foreign organization) with whom the First or the Second Party interacts to undertake an activity that may or may not include exchange of consideration in cash or kind. This may include a Sponsor, Vendor, Collaborator or any other party.
9. **Patent** – is an exclusive IP right granted for an invention/innovation, to exclude others from making, using, selling, and importing that innovation/invention for a limited period of time.
10. **Copyright** – is an exclusive right given to the creator or author of the original literary (including software programs), architectural, dramatic, musical and artistic works; cinematograph films; and sound recordings and preventing the work to be reproduced for a limited period of time.
11. **Sponsor(s)** – means a person, group, donor or other external agency provide support, financial and/or material, to the inventor(s) for development or optimization of the invention(s) either directly or through the Academy, after the full disclosure of the idea/concept or an invention to the Academy.
12. **Visitor(s)** – means any external person(s) either from India or abroad visiting under a collaborative activity, authority or associated work at Academy. It is expected that the visit has been approved by the competent authority of Academy through documentation
13. **St Johns Health Innovation Foundation** (hereinafter referred to 'SJHIF' or "The Foundation") is a registered not-for-profit Section 8 Company, incorporated in June 2018, to promote and accelerate research and more specifically health innovation activities. This innovation entity in collaboration with

the Academy will facilitate Health Innovations for affordable and accessible healthcare for the benefit of society. It will also facilitate the incubation of start-up entities and facilitate industry-academia collaborations in health innovations that have an impact on the health of society.

14. **Intellectual property:** means any right to intangible property, including trade secret, trade mark, patent, design, and plant variety as defined under the Copyright Act, 1957, the Patents Act, 1970, the Designs Act, 2000, the Semiconductor Integrated Circuits Layout-Design Act, 2000, and the Protection of Plant Varieties and Farmers' Rights Act, 2001; (reference- The Protection and Utilization of Public Funded Intellectual Property Bill)
15. **Academic freedom:** The freedom of the academic staff of the institute to conduct their own academic activities including teaching, training, basic and clinical research, and development. They should be free to choose their own research field, pursue self-initiated research, and collaborate with others to achieve excellence in and maintain high standards of research.

Intellectual Property (IP)

(These interpretations are as per the World Intellectual Property Organisation – WIPO)

What is IP?

IP is the "creations of the mind: inventions, literary and artistic works; and symbols, names and images used in commerce. It divides IP into two categories:

- **Industrial Property** which includes patents, trademarks (TM), industrial designs and geographical indications (GI)
- **Copyright** which covers computer software, literary works, course materials, films, music, artistic works, architectural design etc..
- **Other IPR** like trademarks, trade secrets, Geographical indications, plant variety protection, etc.

What is a Patent?

A patent is an exclusive right granted for an invention, which is a product or a process that provides a new way of doing something or offers a new technical solution to a problem. The protection is granted for a limited period, usually 20 years (as stipulated in the Trade-Related Aspects of Intellectual Property Rights agreement). The patent is a title of ownership.

What is patentable?

An invention is considered patentable (i.e. protection for the rights of exclusive use by the licensee(s) in the form of a patent) based on 3 criteria:

1. **Novelty** – This means that the invention/innovation it should be new in some manner. This is a fundamentally important criteria and is universally acknowledged as a requirement for patentability.
2. **Non-obviousness** – This is the most difficult criteria to establish and refers to that the invention should be a technological advancement or bring economic significance (or economic effectiveness), which a skilled person in the same art may find it non-obvious. This is also referred to as the "inventive step".
3. **Usefulness (non-frivolous)** – This refers to the utility of the invention/innovation and refers that the invention should have a demonstrable and real-time use that will benefit the society.

What is not patentable?

As per Section 3 of the (Indian) Patent Act, 1970 the following are not inventions —

- (a) an invention which is frivolous, or which claims anything obviously contrary to well established natural laws;
- (b) an invention the primary or intended use or commercial exploitation of which could be contrary to public order or morality or which causes serious prejudice to human, animal or plant life or health or to the environment;
- (c) the mere discovery of a scientific principle or the formulation of an abstract theory or discovery of any living thing or non-living substance occurring in nature;
- (d) the mere discovery of a new form of a known substance which does not result in the enhancement of the known efficacy of that substance or the mere discovery of any new property or new use for a known substance or of the mere use of a known process, machine or apparatus unless such known process results in a new product or employs at least one new reactant.
- (e) a substance obtained by a mere admixture resulting only in the aggregation of the properties of the components thereof or a process for producing such substance;
- (f) the mere arrangement or re-arrangement or duplication of known devices each functioning independently of one another in a known way;
- (g) Omitted by the Patents (Amendment) Act, 2002
- (h) a method of agriculture or horticulture;
- (i) Inventions relating to atomic energy (Inventions relating to atomic energy are not patentable. No patent shall be granted in respect of an invention relating to atomic energy falling within sub section (1) of section 20 of the Atomic Energy Act, 1962 (33 of 1962))
- (j) any process for the medicinal, surgical, curative, prophylactic diagnostic, therapeutic or other treatment of human beings or any process for a similar treatment of animals to render them free of disease or to increase their economic value or that of their products.
- (k) plants and animals in whole or any part thereof other than microorganisms but including seeds, varieties and species and essentially biological processes for production or propagation of plants and animals;
- (l) a mathematical or business method or a computer programme per se or algorithms;
- (m) a literary, dramatic, musical or artistic work or any other aesthetic creation whatsoever including cinematographic works and television productions;
- (n) a mere scheme or rule or method of performing mental act or method of playing game;
- (o) a presentation of information;
- (p) topography of integrated circuits;
- (q) an invention which in effect, is traditional knowledge or which is an aggregation or duplication of known properties of traditionally known component or components.

Intellectual Property Rights (IPR)

What is IPR?

Property is the creation of the mind, and each property will have an owner, who will enjoy certain exclusive rights over his/her property. This may include selling, using, renting, transferring and making copies.

Why do we need to protect IPR?

We need to protect IPR in the current capitalistic system as a means to promote economic liberalization,

social innovations and international trade so as to provide opportunities for potential for each and every individual and rewarding innovation. IP developed by any individual, group, community or nation should be protected appropriately.

SJNAHS (CBCI-SME) IPR Policy

IPR Document

Purpose

This document explains the IPR policy adopted by the Academy along with the appropriate standard operative procedures for its implementation to:

- (a) enable CBCI-SME on working and encouraging research activities in various areas of healthcare to protect the IP generated by the Academy Employees/Students and visitors in accordance with the 'commitment' of CBCI-SME and the 'role' assigned to it by the society;
- (b) provide a framework for the administration of the IPR policy with regards to the ownership, and procedures for the control and transfer of the intellectual property created by the Academy's Employees/Students;
- (c) enable the practice of IP protection that is in line with the national and international practices and guidelines and to avoid IPR infringements/conflicts.

Scope

The IPR policy as given in this document shall be applicable to all the IP created by the Academy's Employees, faculty, researchers or Students. It would also be applicable in case the Academy's faculty, researchers, employees or students collaborate with faculty or students of other institutions or organizations

What it is not

This document is not a legal document. It shall not substitute/supersede the National IPR Policy or the Indian Patent Act 1970.

Academy IPR Office

Role

The Academy will work closely with the St Johns Health Innovation Foundation that has been incorporated as a Section-8 not-for-profit company, with an Academy's IPR Committee appointed by the Director, SJNAHS. The committee will include the following members:

- Chairman – Associate Director, SJMC and SJRI - Ex-officio
- Co-Chair - Dean, SJRI - Ex officio
- Members (3 Nos.)* - To be nominated by the Director, SJNAHS
- Member - Associate Director – Finance - Ex-officio
- Member – Accounts Officer (Research-SJRI) - Ex-Officio
- Member – Director, St. John Health Innovation Foundation - Ex-officio
- Member – IPR lawyer.

The Director, SJNAHS, may co-opt additional faculty or external consultants into this committee as required.

Envisaged roles of the Academy IPR Office will include:

1. Education and awareness, of the faculty, students, researchers, employees and other collaborators on the issue of IPR of the Institution.
2. Catalyst role in evaluation of ideas and innovations and their conversion from the conceptual stage to the fabrication/deployment stage, with the inclusion of registration of the IPR of the Institute's inventors.
3. Advising the inventors and innovators for the most ideal mean for protecting their IP.
4. Coordinating and facilitating partnerships with other institutions for generating IP and enabling IP sharing between Institutions and other entities, that is jointly developed.

SJNAHS (CBCI-SME) IPR Policy

To meet the objectives set out in its vision and mission statements, the Academy will actively encourage research and facilitate research with priority being accorded to innovations in various fields of healthcare and seeking innovative solutions for neglected healthcare problems, with a thrust for economic innovativeness/non-obviousness.

The Academy being an Institution seeking strong advocacy in the uplifting the health of the society and downtrodden will take all efforts to ensure that all its innovations are geared towards the benefit of the lower segments of the population specifically to the maximum possible extent and prevent the unscrupulous use of these advances by vested interests.

This IPR policy will be guided by the Statutory laws, the applicable research regulations and ethical guidelines. The Academy IPR Office will help and encourage all Academy faculty and students in their efforts to identify the innovative component of their research and seek adequate protection in advance of publication, to commercially exploit all new knowledge generated with the Academy's support. The Academy IPR Office will provide legal, regulatory and technical support needed for IP protection including advising on technology transfer, licensing and commercialization .

Primary Objectives

1. To increase awareness amongst faculty, students and researchers of the need and responsibility to protect new knowledge generated through IP rights, ownership of biological and other materials, processes. any data generated using Academy's funds , research grants and Academy's facilities.
2. To promote academic freedom and safeguard the intellectual property rights of all those who are involved in the creation/invention of intellectual property at the Institute
3. To promote and administrative system and develop Standard Operative Procedures at the Academy to identify, evaluate and protect new IP generated within the Academy.
4. To provide information and guidance to students, faculty and research scientists on how to protect the IP generated by them.
5. To provide appropriate technological, professional and legal expertise and services required to register and protect their IP both nationally and internationally.
6. To encourage and promote research at the Academy with collaborating institutions and organizations for protecting and commercializing new knowledge generated with the Academy's support.
7. To develop an assignment and licensing policy that ensures the maximal health benefit for the society and provides a fair return on investment of research done in the Academy.

8. To develop and implement a royalty and consultancy policy at the Academy that encourages innovative faculty, students and researchers involved in health innovations. through a system of royalty sharing, and reward system.
9. To forge appropriate strategic alliances with national and international agencies and industry to market its new inventions and develop professional knowledge networks for the Academy's inventors/innovators.

Strategy

Some steps to achieve the objectives are as follows:

1. An internal committee concerned with inventions and innovations will be set up at the Academy for the identification of new IP before publication, registration or commercialisation.
2. Innovation-driven and collaborative multi-disciplinary research will be encouraged through a favourable IPR- environment with user-friendly procedures. The faculty, researchers and students in campus will be made aware and educated of the IPR protection means through contact and regular workshops, talks and meetups.
3. Academy's faculty, researchers and students will be encouraged to identify potentially innovative elements of their research and seek adequate protection in India and other parts of the world before publication.
4. To facilitate a sound IPR system, faculty, researchers, and students will be encouraged to maintain basic and essential practices such as good record keeping, meticulous recording of data, laboratory handbooks, and journals to record their findings.
5. The renewal of all patents filed in India and abroad will be reviewed annually and at the end of 10 years after filing. Only those patents, for which the innovators have shown continued interest as evident from improvement and/or addition over the reported novelty, will be considered for maintenance beyond 10 years.
6. Patents which have already been commercialized, however, will be maintained for the entire period of 20 years.
7. The Academy IPR Office would regularly monitor the patents and other IPR in Indian and global patent scenario to keep track on innovations of the world.
8. Expert advice will be sought for furthering any objectives.

Procedure for IP Protection

Invention Disclosure

An inventor disclosure form will be developed and will include a checklist of items to ensure that the invention or idea is patentable. This may include the following: -

1. Invention has not been disclosed to the any other party or the public, by any means
2. Invention has not been discussed with other parties
3. Invention has not been published
4. Invention has not been presented at any conference
5. Invention has not been shared with other parties
6. There is no known conflict of interests

Inventors should also mention collaborators and third parties who have genuinely contributed intellectually to the development of the invention.

Evaluation for IP Protection

The Academy IPR Office will either directly or through an agent(s) appointed for the specific purpose, shall evaluate the invention(s) and submit an evaluation report to the Academy IPR Office at the earliest within a period of 1 month. The Academy IPR Office will then review the invention and will give their decision whether the invention is fit for IPR protection, which shall be communicated to the Inventor. The entire process will last for a period of 3 months. The Academy IPR Office may also suggest modifications, for which the inventor will be given a duration of 1 month to make modifications and submit.

Fees for Patent Application

It is the principle of the Academy that each patent would be self-sustaining and would provide profits for the inventor and institution on a long-term basis. Costs for the patent registration will be borne on a 50-50 percent basis by the Inventor and the institution. Inventors are requested to utilise the departmental funds, research funds or philanthropic funds received under Section 35 (IT Act) to cover the 50% cost that are payable. In case the Academy decides to waive the ownership for a specified invention(s) determined on a case-by-case basis, then the patenting charges will be borne by the sponsor/collaborator who has also inputted substantial effort in the generation of that invention. Such costs will be borne fully by the collaborator or sponsor. In case of any joint ownership of patent, that may be determined on a case-by-case basis, the costs for registration and maintenance will be shared equally between the co-owners.

Usage of Patents

The Academy shall normally retain all the rights for the usage of the patents including, but not limited to, licensing an invention for purposes of commercial exploitation and shall execute appropriate agreements for the same with an external agent/ manufacturer/ industrial partner. Due to the constraints directly commercializing by the Academy's due to its mission and objectives, the Academy will assign the patent to the St Johns Health Innovation Foundation, which can commercialize and further license the invention. This will be done through an agreement with the cost's payable to the Academy on an instalment basis.

In case, the Academy decides to not pursue the commercialization of a specified invention within 2 years of full invention disclosure and filing for patents, the inventor(s) shall be eligible to apply for waiver/transfer of ownership in favour of the inventor(s). In such cases, the maintenance of patents through appropriate fees and usage of the patents shall become the prerogative of the inventor(s).

Implementation/Amendment of IPR Policy

Who will be responsible to implement the SJNAHS (CBCI-SME) IPR Policy?

The Academy's IPR Committee (AIC) will be responsible for overseeing and implementing the CBCI-SME IPR Policy.

Who can amend the IPR Policy?

The Academy IPR Office governed by the AIC will be responsible for bringing about changes to its IPR policy or bring out a new policy as it deems fit to accommodate changes in the regulations. The changes or the new policy shall be applicable to all faculty, students, researchers, employees, visitors, etc .

Who will create/amend procedures and processes for implementation of IPR Policy

The Academy, through its Director, will have full powers to create and amend administrative mechanism from time to time in view of the changing needs including creating administrative bodies and entrusting role and responsibilities to various individual(s)/existing entities for evolving detailed procedures and to facilitate implementation of the CBCI-SME IPR policy. The final authority for the IPR policy and the IPR processes at the Academy will be the Director of SJNAHS and Secretary, CBCI Society for Medical Education.

Dispute Settlement

The Academy IPR Office, overseen by the AIC will constitute a board (known as the Dispute resolution board or DSB) which will investigate the credibility and issues concerning each dispute brought to the notice of the IPR Office. In case of any dispute arising from the application or interpretation of the CBCI-SME IPR Policy including any conflict or grievance regarding ownership of IP, processing of IP proposals, procedures adopted for implementation of IPR policy and interpretation of various clauses of IPR policy, any aggrieved person/party/stakeholder – Academy's Employees/Students, Institution(s), Sponsor(s), Agent(s) or Partner(s) – shall retain the right to recourse and settlement will be by mutual discussion and consensus, failing which the dispute will be referred to a Dispute Settlement Body (DSB) formed by the AIC for the purpose. In case either party to the dispute is not satisfied with the recommendations/decision of the DSB, the party can appeal to the Director of SJNAHS, whose decision shall be final.

If any party fails/refuse to comply to or accept the recommendations/decision of the DSB or the Director of SJNAHS, the dispute will be settled as per Arbitration and Conciliation Act, 1996, failing which the dispute shall be settled in a Court of Law within the jurisdiction of Bengaluru.

IP Infringement

In case of violation or infringement of any intellectual property rights such as patent infringement by the Academy's Employee(s)/Student(s)/Visitor(s) or any third party infringing upon the IPR of an Academy's inventor, the Academy would create an appropriate committee, to first investigate the matter and make recommendations to the Director, SJNAHS for resolution of such violation or infringement.

In case of any third party infringing upon IPR of the Academy, the above administrative body would investigate and make recommendations to the Director, SJNAHS including need for any legal course of action.

Ownership of Intellectual Property

Introduction

Intellectual Property (IP) is created by Academy's Employees/Students during their day-to-day activities of teaching/learning, clinical and non-clinical research, and various patient care services. These IPs need to be protected, developed, transferred and commercialized for the benefit of both the inventor and the society. The Indian scenario of IP protection has been made more robust retaining the social policy by enacting various laws that provide the legal framework and by formulation of the National IPR Policy which provides the administrative framework. Although the enforcement is not as strict as in many of the developed countries, it is to be kept in mind that it is more due to lack of awareness.

Similarly, there is lack of clarity as to the rights of the inventor(s), the institution(s) and the procedures for IP protection. The following section attempts to clarify the issue of ownership and rights of all the involved parties.

Stakeholders

The usual stakeholders with respect to an invention are:

1. Inventor(s).
2. Institution(s)
3. Collaborating Institution(s) or Agencies
4. Sponsor(s)
5. Manufacturer(s) / Industry Partner(s)

Inventorship

For a Patent, the following will be considered as the inventors (natural person only) which may include a faculty, student, employee or researcher: -

1. A person who contributes to at least one claim of the patent
2. A person who conceives the idea of the invention
3. A person who materially contributes to the development of the patent
4. A person who implements the invention
5. The person actively contributes and without the contribution the patent would have not been devised.

The following will NOT be considered as the inventor: -

1. A person who creates the hypothesis
2. A person who passively follows the instructions
3. A person who undertakes routine tasks
4. A person who undertakes testing and provides the results
5. A person who does not contribute or generate any claim for the patent

The following will be considered as Co-inventors: -

1. A person who collaborates for the invention
2. A person who contributes to the subject matter of the patent claims

3. A person making significant contribution to at least one claim
4. A person who is able to reduce to practice (e.g. in case the inventor who conceives the idea is unable to make the invention work, another person contributes by undertaking the same)

Ownership of IP generated in the Academy

The setting in which the invention is made is generally used to assign appropriate rights to the respective stakeholders. This document will only deal with inventions associated with the Academy.

1. When the invention(s) has been done by the Academy's Employee(s)/Student(s), Researchers or Trainees as a part of their usual duties and responsibilities or as part of sponsored research or innovation projects
 - A. The ownership and all the IP rights of the invention will be assigned to the Academy.
 - B. The Academy, through the Academy IPR Committee in collaboration with St Johns Health Innovation Foundation, or any other agency set up for that specific purpose, will have all the rights to decide on whether to protect the invention with a patent/trademark/copyright. Similarly, licensing, technology transfer, commercialization rights shall also be retained by the Academy.
 - C. However, to encourage the inventor(s), any benefit of commercialization will be shared with the inventor(s) based on the prevailing policy.
 - I. When Academy's infrastructure/facilities (which include working hours) have been used during the creation of the invention, the usual policy of royalty-sharing will be followed.
 - II. If the inventor has not utilized the time, funds or facilities of the Academy, the AIC can assign a larger share of the revenues to the inventor(s) with the sanction of the Director or a specific agency set up for the purpose.
2. Manufacturer(s) / Industry Partner(s) shall normally not be assigned any ownership of the IP. They shall be assigned licenses or technology transfer agreements to manufacture the invention on a large scale. The royalty sharing shall be negotiable based on the support provided during the initial stages of product development and the investment made in terms of production designing, manufacturing cost, publicity, marketing and sales, subject to the approval of the Director or any committee set up for that purpose. Normally, the inventor(s) shall receive a share not less than 5% of the net profit.
3. Sponsor(s) shall not be assigned any IP ownership or rights irrespective of the extent of support they provide. The assignment of ownership and IP rights will be done according to the above clauses. The sponsor(s) will be eligible to claim a share of any revenue generated from the invention which shall be negotiable and proportionate to the support provided for the development and/or refinement of the invention, subject to the approval of the Director or any committee set up for that purpose.

The following will be considered an invention co-owned by the Academy: -

1. The invention is conceived in the Academy, but there is involvement of other institutions, individuals or organisations to develop and create a working model
2. There is significant contribution from personnel of other institutions, for an invention conceived
3. There is significant contribution from the faculty, students and researchers of the Academy during the validation phase of an invention, to ensure that the invention is safe and efficient
4. Exclusively stated in the MOU or Agreement, the IPR registrable and sharing between the institutions.

Note: In case a faculty has conceived, developed and undertaken an invention out of his time and without using the resources of Academy, and may have engaged an external agency, then before the invention is patentable, he/she should approach the Academy IPR Office for a No objection certificate to register/patent the invention. The faculty should be able to demonstrate how he/she is managed to utilise his/her personal resources to develop the invention.

Licensing and Assignment

An invention that is owned or co-owned by the Academy may be assigned through the Academy's IPR office to the St Johns Health Innovation Foundation, which can undertake to commercialise or licence the invention. Further the Academy may license the invention for its internal use or concerned with its own activities.

Revenue Sharing

Net earnings from the commercialisation of IP owned by would be shared as follows:

The inventor(s) /creator(s) share would be declared annually (or as revenues are received) and disbursement will be made to the inventor(s) /creator(s), their legal heir, whether or not the inventor (s) /creators are associated with St. John's at the time of disbursement.

The income generated by licensing/assigning of IPR or on receipt of royalties associated with technology transfer / specific innovation programs shall be divided as follows:

- (a) 60% (Sixty percent) of the revenue will go to the Inventor(s)/Inventor's Team; the share of each inventor may be decided by the Lead Inventor, who conceived the invention
- (b) 20% (twenty percent) would go to CBCI-SME for administration charges
- (c) 20% (twenty percent) to SJHIF for promotion of IPR activities

Waiver of IP Rights by Academy

The Academy may waive its ownership and rights on any invention disclosed by the inventor(s) in favour of the inventor(s)

- (a) if it is established that such a waiver of ownership would be essential to enable dissemination of benefits of the invention to the society,
- (b) if it is required to enable the inventor(s) to seek funding for the further development of the invention(s)
- (c) if the Academy decides not to pursue the protection of IP within a period of six months of complete disclosure by the inventor to the Academy. The decision to pursue or not to pursue will be communicated to the inventor within a period of three months of complete disclosure by the inventor to the Academy.

The above-mentioned conditions for waiver of ownership is provisional to the establishment that such a waiver will not harm the future prospects of the Academy or place it under any disadvantage.

In all cases, unless explicitly agreed to, the Academy shall normally retain a perpetual, royalty free license to use the intellectual property and any corresponding IP for research and educational purposes.

Conflict of Interest

All inventor(s) shall explicitly declare any conflict of interest that may arise from the implementation of IP protection, publication of associated research, licensing and commercialization of the invention(s). For example, if a spouse or relative working for an external agency is to be listed as a co-inventor and royalty is to be shared with them.

Acknowledgements:

This IPR Policy document was prepared using the content and framework of the JIPMER's IPR Policy Document shared under the Creative Common's Licence.

Changes and relevant edits have been made to this document for use at St. John's National Academy.
<https://creativecommons.org/licenses/by-sa/4.0/legalcode>

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References:

1. JIPMER IPR Policy <https://jipmer.edu.in/sites/default/files/JIPMER-IPR-Document-final-upto-14-05-2016.pdf>
2. The National IPR Policy, 2016. <https://dpiit.gov.in/policies-rules-and-acts/policies/national-ipr-policy>
3. Intellectual Property Rights Policy Document. AIIMS, New Delhi.
https://www.aiims.edu/aiims/departments_17_5_16/IPR/01-IPR%20policy%202017-for%20upload.pdf
4. MIT Technology Licensing Office.
<https://tlo.mit.edu/learn-about-intellectual-property/technology-transfer-overview>

Annexure – I

Types of Intellectual property

The types of IP are patents, copyrights, trademarks, industrial designs, geographical indications, layout design of integrated circuits and plant variety protection.

Patent is an exclusive right granted by a country to the owner of an innovation (Product or process) to make, use, manufacture and market the innovation, provided the innovation fulfills the following criteria namely: "Novelty" meaning, it is not known to public through any source, "Inventive step" which involves a technical advance and/or economic significance, "Non obviousness" in that it appears new for a person skilled in the art and "Industrial application" meaning that the innovation is capable of being manufactured and used in the medical industry. A patent is valid for a period of 20 years. The government of India has created a list of processes called "Traditional knowledge database of India" which cannot be patented. This was done to allow it to be utilized by everyone and avoid any entity taking ownership by patenting these technologies. The process of procuring a patent are as follows, filing the patent application, request for examination, publication, issuance of examination report, response to examination report, issuance of letter patent document and retroactive payment of annuity. Innovators can apply for an Indian patent or international patent. Substantial expenses are involved in procuring patents. Assistance may be sought from philanthropists for social innovations. Venture capitalists fund business innovations. The "Claims" section of the patent application is the most critical component where the innovators state specifically their inventive steps.

Copyright is a right granted to the owner for creating an original literary (Computer programs/Softwares/Books), Dramatic (Movies), Musical (Compositions) and Artistic (Artwork) work. The rights include reproduction in any form, circulation among public, performance or communication to public, making cinematographic film or sound recording of the work, translation or adaptation of the work to any other form. A copyright is valid till life of the creator and 60 years after the death of the creator.

Trademark is a distinctive sign, which identifies certain goods or services as those produced or provided by a specific person or enterprise. Trademarks may be expressed as words, letters and numerals or their combinations and may also consist of drawings, symbols, two or three dimensional signs or colours, used as distinguishing feature. Trademark rights may be used to prevent others from using a confusingly similar mark. Trademark rights are for ever. Trade secret like a special recipe is a peculiar type of IP. It has protection till it remains a secret.

Industrial design means the features of shape, configuration, pattern, ornament or composition of lines or colours applied to any article by an industrial or manual process or means and which are judged solely by the perception of the eye. The object of design registration is to see that the artisan, creator or originator of the design is not deprived of his bonafide reward by others applying it to their product. Law provides protection of 15 years for this type of IP.

Geographical indications identifies certain agricultural or natural or manufactured goods as originating or

manufactured in the territory of a country or a region or locality in that territory, where a given quality, reputation or other characteristics of such goods is essentially attributable to its geographical origin. GI prevents unauthorized use of a registered geographical indication by others, helps in boosting exports and promotes economic prosperity of producers of goods produced in a geographical territory.

Layout design of integrated circuit includes a layout of transistors and other circuitary elements and includes lead wires connecting such elements and expressed in any manner in a semiconductor integrated circuit designed to perform an electronic circuitry function.

Plant variety protection and farmer's rights (PVPFR) is a system for protection of plant varieties, the rights of farmers and plant breeders and to encourage the development of new varieties of plants. Criteria for protection of a new plant variety are novelty, distinctiveness, uniformity, stability and appropriate denomination (generic designation). Novelty means variety is new, that is not sold or disposed for exploitation at the time of application. Distinctiveness means it is distinguishable by at least one characteristic. Uniformity means being sufficiently uniform in its essential characteristics. Stability indicates that its essential characteristics remain unchanged after repeated propagation.
