

Guidelines and SOP for Patent in University of Allahabad

Introduction

Intellectual Property has always played an increasingly significant role in today's technology-driven society. Patents are an important asset for an organization. Hence, the innovative strength of an organization can be measured through its patenting activities. Not just the number of patents, it is also the quality of patents that makes the corporation more demanding. Grant of a patent is a long process that entails multiple checks on **novelty, non-obviousness, and industrial applicability** of the invention. A patent, granted by the government, gives an exclusive right to an inventor to make, use, and sell his invention. This exclusive right is for a limited period of 20 years from the date of filing.

A. Organization of Patent Cell

Cell has the following organizational structure (notification no. 05-R-3209 dated Aug.31, 2022)

Members of PC

1. Prof. Vrajesh Tripathi, Department of Zoology, AU	Chairman
2. Dr. Manish Srivastava, Department of Chemistry, AU	Member
3. Dr. Monisha Singh, Dept. of family & Comm. Science, AU	Member
4. Dr. Triranjita Srivastava, Department of Physics, AU	Member
5. Mr. Adarsh Ramanujan, Lawyer, Independent Counsel, Chamber of Adarsh Ramanujan, Delhi	Member
6. Mr. Shuja Zameer, Layer, Supreme Court of India, Delhi	Member
7. Dr. Simant Kumar Srivastava, Department of Chemistry, AU	Convener

A panel of patent attorneys who will work as consultants both for legal and financial matters.

B. Responsibility

The cell will assist the University to provide services for patenting to all Departments/ Schools / Centres of the University. Cell will assist the University to file patent applications in India/abroad and execute other documents; execute license, and material transfer agreements; enter into confidentiality and non-disclosure agreements, and execute other documents related patenting and confidentiality/non-disclosure agreement. The fundamental idea is to safeguard the inventions that are created and therefore, encourage more developments.

C. Financial Support

Financial resources needed to establish patent cell would initially be provided out of the funds granted under the University. Additionally, the patent filing costs could be met from any of the following sources.

- University of Allahabad
- Through external agencies like NRDC (National Research Development Council), TIFAC (Technology Information, Forecasting and Assessment Council), BCIL (Biotech Consortium India Limited) etc.
- Paid by the inventor through project grants
- Some of the funding agencies sanction grants only on the condition that the technology developed as a result of the project funded by them will belong to them. In that case the inventor has to follow the conditions laid down by the funding agency.

D. Who can apply?

An application can be filed by any of the following having association with AU: **Faculty / Researcher**

- By any person claiming to be the true and first creator or owner of the intellectual property;
- By any person being the assignee of the person claiming to be the true and first creator or owner of the intellectual property in respect of the right to make such an application; or
- By the legal representatives of the deceased person who immediately before his death was entitled to make such an application

E. Benefit Sharing

Universities the world over have acknowledged the claims of academic creators to have some share in the income derived from the technology transfer. The revenue received as a result of patents in the form of cash royalties and/or equity shall be distributed in such a manner as to encourage technology development and its transfer. Proposed Benefit Sharing by the University (AU) on account of technology transfer in a year shall be shared between inventor's team and the University in the following manner:

(i) money received upto 30% of the gross salary (basic+DA+CCA)	No Sharing
(ii) money received beyond 30% and upto the gross salary	70:30 between the inventor's team and the University
(iii) money received beyond gross salary	50:50 between the inventor's team and the University

F. Conflict of Interest and its Settlement

If an inventor has a grievance about the University's handling of intellectual property, he/she can take the benefit of the Grievance Redressal Mechanism of Intellectual Property Rights Cell (IPR) of AU or appeal to Vice-Chancellor, AU whose decision will be final.

F. How to submit proposals for Patents?

The proposal must be accompanied by a brief write up about the invention, its application and some brief features regarding its novelty etc. The inventors can submit provisional specifications at first stage and complete specifications may be submitted later. The inventors are requested not to give too much details of their invention in the preliminary information report. Steps involved in a patent filing are:-

The SOP (Standard Operating Procedure) for filing the Patent, Patent Cell, AU

Steps	Processes	Required
Step 1. Patent Search to establish the prior art	<p>1.1 The applicant performs the prior art (novelty, non-obviousness, industrial applications etc) search, fills the AU Factsheet Form duly forwarded with Departmental Committee recommendation/ declarations and writes an email to the Chair, Patent Cell requesting presentation for filing patent</p> <p>1.2 The Patent cell Chair invites the applicant for presentation in front of the Screening Committee to establish novelty, non-obviousness and industrial application</p> <p>1.3 If approved by Patent cell (level one), inventor prepares the cost statement (in consultation with the patent law firm) and submits the documents to the Patent Cell.</p> <p>1.4 After the level one approval and the financial requirement for filing the patent submitted by inventor(s), it will be sent to the Competent Authority for final approval</p>	<p><i>Factsheet Form</i></p> <p><i>Email for communication: patentcell@allduniv.ac.in and submit hard copy</i></p> <p><i>If external party is involved, the inventor is advised to immediately work on the signing the MoU with AU, if not done already.</i></p> <p><i>The MoU will be required at the time of filing the patent.</i></p>
Step 2. Filing of the patent	<p>2.1 Applicant has to contact one of the empanelled legal firms and prepare the necessary documents for filing the patent.</p> <p>2.2 Prepare Form 26, duly signed by Co-Applicant, if any; and attested from the Chairperson of patent cell.</p> <p>2.3 File the patent and submit the bills to the Patent Cell for reimbursement (as per University Rule)</p>	<p><i>Read all the steps along with the terms and conditions carefully and submit complete application for consideration by the Patent Cell.</i></p> <p><i>Should you have any queries kindly write to Email:</i></p>

Terms and conditions of the University

1. AU will be the one of the Assignees/applicant (national / international) and irrespective of the funding support or circumstances.
2. As per Government rules, the norm for submitting patent application is: up to 30 pages and up to 10 claims. The approved costs will be: Patent filing charges (government fee) and Standard patent filing charges (as required by the patent firm). Further justification and approval may be required if the patent application exceeds 30 pages and / or if the claims exceed 10.
3. The IPM Cell may conduct the meeting at the earliest possible date, based on the need.
4. The committee decision will prevailed by majority of the total number.

a) Factsheet

Factsheet, Patent Cell, AU

- 1) Title of the invention
(Choose a title which clearly describes the work with minimum number of words)
- 2) Field of Invention (if available)
- 3) Abstract (up to 100 words)
(Write a brief abstract about the invention of the work. Include important keywords (subject specific), so that the patent title is found in Web search)
- 4) Background of the Invention (Prior art) (up to 250-300 words)
(This is the introduction part. Here, the known literature about the present disclosure will be mentioned briefly. Provide references, preferably patents. You have to pitch for the gap here and make a strong case for your patent).
- 5) Novelty (3-5 bullet points)
(With minimum words explain the novelty of the present invention)
- 6) Non-obviousness (50 – 100 words)
(With minimum words describe, the present invention is not an incremental step with respect to the known literature (prior art) and to people who practice in this field)
- 7) Industrial application (2-4 bullet points)
(With minimum words provide the usefulness or industrial application of the present invention. Be precise and be as specific as possible. Points to ponder include market potential, emerging technology, sustainability, societal contribution, import/export data)
- 8) Description (up to 300-400 words)
(Provide clear description about the present invention. Include drawings, schemes, figures etc. to give a brief overview of the invention)
- 9) Advantages (3-5 bullet points)
(Provide briefly the salient features of this patent, unique selling points (USP))
- 10) Claims
(This is the most important part of your patent. Cover as many points as possible for a better protection with minimum claims)
- 11) National phase application / Particulars of International application field

Contd.

12) Declaration by the inventor(s)

I/We, the above named inventor(s) is/are the True & First inventor(s) for this invention and will abide the terms and conditions regarding patent rules of the University of Allahabad.

Name & Signature of the Inventor(s):

Address:

Date:

Recommendation and declaration of Departmental committee (chaired by Dean of Faculty):

The disclosures given above by inventor(s) are verified by committee hence committee is convinced that there is no lawful ground of objection(s) to the grant of the Patent. Also, that no application for protection in respect of this particular invention had been made before this date to the best of our knowledge. Therefore, the committee recommends the application for patent as per University rule.

Name, Designation and full signature

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- 2.
- 3.
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b) Application by Inventor(s)

To,
The Vice Chancellor,
University of Allahabad,
Prayagraj.

Date:

Subject: Undertaking with respect to Invention to be filed under AU

With respect to the invention made by me/us, I/we hereby submit to you that the inventions and claims made by me/us are true and devoid of any prior literature or scientific proceeding. I/we would like to file an Indian / Foreign patent application for the said invention. In this connection I / we would like to declare the following facts.

Title of the Invention:

The invention made by me/us is novel and the said work is not published, and neither made available to the public or available in the public domain *in toto* but a part may have been presented/published to a limited audience for scholarly review/presentation which is less than a year old.

- i. I/We would like to file an Indian/foreign patent by taking legal support from AU empanelled attorney.
- ii. Due to the urgency and the availability of funds at my/our disposal from (personal resources / external funding agency) I/we would like to proceed for the filing of the patent without taking any financial assistance/support from AU, if required.
- iii. I/We fully understand and acknowledge that AU will be the FIRST APPLICANT/ASSIGNEE to the said invention irrespective of whether AU supports financially or not.
- iv. The University holds the complete rights of this invention/patent and may decide to commercialise this at its own terms if AU decides to do so now or later. In such cases the revenue generated from the said commercialisation will follow the extant of the appropriate AU regulations.
- v. I/We undertake to keep you posted of the details regarding patent filing and costs involved pertaining to the above-mentioned invention, in future.
- vi. I / We give complete and unconditional consent for assignment of rights to AU.

Yours faithfully

Signature
Name & Affiliation
of the Inventor 1

Signature
Name & Affiliation
of the Inventor 2
(if applicable)

Signature
Name & Affiliation
of the Inventor 3
(if applicable)

Encl.

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