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AGGARWAL COLLEGE BALLABGARH
A Post Graduate Co-educational College Accredited A++ (CGPA: 3.57) by NAAC
ISO 9001: 2015 & ISO 14001:2015 certified
College with Potential for Excellence (CPE) Status by UGC
Affiliated to M.D. University, Rohtak

Consultancy and Intellectual Property Rights (IPR) Policy





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Introduction

The objective of Consultancy and Intellectual Property Right Policy of Aggarwal College Ballabgarh (ACB) is to promote academic and industrial research and to motivate and inspire the faculty to provide knowledge inputs sought by institutions, industry, government agencies or other academic/ research organizations. Consultancy is well recognized as an effective way for institutions to disseminate knowledge and do research that is directly related to issues of societal importance thereby making an early and direct impact on society. However, the balance between consultancy and the traditional roles of the academic staff needs to be managed and the interests of the institution must be protected. Further, the research and development carried out by the faculty, research scholars and PG students of Aggarwal College Ballabgarh may result in inventions, innovations, know-how, copyrights, devices or processes that may have commercial applications and can be of considerable economic importance to the country and contribute to societal development. We at ACB recognize the importance of protecting intellectual property generated through research at national or international level.

This document states the policy of ACB that provides provisions for conducting consultancy. It also ensures that consultancies undertaken by staff enjoy protection, ownership and licensing or commercialization of intellectual property that is generated in the college with or without external funding.

Purpose

This policy is intended to provide a clear framework for those college staff who are

- Engaged in consultancy either through college “College Consultancy” or in a personal capacity “Personal Consultancy”.
- The research and development resulting into inventions, innovations, know-how, copyrights, devices or processes that may have commercial applications and can be of considerable economic importance to the country and contribute to societal development enjoy protection, ownership and licensing or commercialization of intellectual property through IPR.

Definitions

Consultancy is a work of professional nature, undertaken by college staff in their field of expertise, for clients outside the institution, for which some financial return is provided. Sometimes it may be a free consultancy. The college will have freedom of publication over the results of consultancy if both parties mutually agree upon. Consultancy does not include activities undertaken by the faculty on behalf of the college, such as:



- Research
- Teaching
- Training
- Other activities defined in the job description of a faculty

College consultancy: The contractual relationship is between the client and the college and not the individual consultant. Only college consultancy provides a direct financial return to the college in addition to the fees paid to the consultant.

Private consultancy: The individual acts entirely in a private capacity with no legal link to or liability on the college. The college resources such as equipment, IT equipment including PCs, telephone, space, may be used for this activity. In conducting a Private Consultancy, a staff member must not establish a real or potential conflict with their obligations to the college or undertake activities which are contrary to the interests of the college.

Copyright means the exclusive right granted by law for a certain period of time to an author to reproduce, print, publish and sell copies of his or her creative work.

Intellectual property means any property generated out of intellectual effort by the Faculty/Researchers/students. This may include new and useful scientific advancement in the form of innovations, products, processes, biological varieties which are patentable as well as drawings, designs, writings, teaching materials, resource materials that are worthy of copyright. Faculty/researcher will take care to protect commercial value of IP.

Approval of Consultancy and Intellectual Property Right Activity

Approval must be sought for all consultancy and Intellectual Property Right work, whether college or private, prior to carrying out the work whether during normal hours of work or not. The decision is to be taken at the institution level. All proposals should be addressed to the appropriate Head of Institution. The proposal should include details of

- a) the organization / individual seeking the consultancy/IPR service
- b) the nature of consultancy/IPR work
- c) the institutional resources that would be utilized / required for the consultancy/IPR service
- d) the quantum of work measured in hours per week
- e) Financial details. The Head of Institution will make the decision to accept or decline the proposal.
- f) Head of Institution wishing to consult someone or carrying out IPR activity should seek consent from the President, Governing Body.



Confidentiality & Intellectual Property Rights

The research and knowledge generation activities undertaken by staff and students may have obligations in respect of any Intellectual Property generated and third-party confidential information exchanged in such projects. It is recommended that an agreement (Memorandum of Understanding/ Memorandum of Association) be executed between the consultant and consulting parties explicitly stating the terms and conditions regarding confidentiality and intellectual property rights. Staff seeking to undertake consultancy should be careful to consider existing obligations to third parties. Staff should be careful not to use confidential information of a third party without their written consent and not use any Intellectual Property unless they are confident there are no constraints on its usage by the college.

Revenue Distribution

Private Consultancy

When an individual undertakes private consultancy, all revenues accrued to the individual, he/ she must however declare the income.

College Consultancy

In order to incentivize staff to engage in college consultancy, the income from such consultancy, post-deduction of direct expenditure involved in carrying out the consultancy project, will be distributed in the ratio of 2:1 between the consulting staff and the college. Only full-time faculty will be eligible for such income sharing.

IPR

IPR like Design Patents and other intellectual properties may be commercialised and the same may generate revenue. The inventor will make efforts to identify potential firms/agencies that could be interested in obtaining license to commercially exploit the IP. The revenue will be distributed in the ratio of 2:1 between the Staff having IPR and the college. The college website must showcase availability of IPs for licensing and invite expression of interest from firms/agencies specifying their offer and timeline for commercialisation.

Liability and Indemnity

- In any consultancy agreement, ACB will take indemnity from legal proceedings against the college or its Faculty/Researchers.
- IP will be obtained through appropriate agreement, indemnification from the licensee against any direct or third party legal liability arising for reasons including but not limited to manufacturing defects, design guarantee and commercial performance and commercial exploitation of IP.




Dispute Resolution

The clause regarding dispute resolution should be in built in Memorandum of Understanding/Memorandum of Association to be entered with the party while undertaking Consultancy/IPR project. In case of any dispute between the

Faculty/Researchers involved, the decision of Principal, ACB will be final and binding.

Jurisdiction

All agreements related to consultancy/IPR signed by ACB will have jurisdiction of the courts in Faridabad and shall be governed by appropriate national and state laws.


Co-ordinator, IQAC
Aggarwal College, Ballabgarh




Principal
Aggarwal College
Ballabgarh (Faridabad)