

## **Intellectual Property Guidelines**

These guidelines have been prepared to streamline the contribution and proportionate reward for various stakeholders in the projects funded under National Technical Textiles Mission of Ministry of Textiles (MoT) keeping in view the needs of the society. It is understood that the output of the research projects may be in the form of research publications or various means of intellectual property including copyrights, trademarks, or patents etc. There are many ways by which benefits of the intellectual property can be exploited and the inventor along with the host institution (academic institutes/research laboratories/organizations) shall decide the best mode for maximum benefits of the society and the same may be informed to the Government (MoT). The outcomes of the IP generated should be reported to MoT.

It is preferred that for the research leading to higher Technology readiness level (TRL), non-exclusive licensing may be used. For other cases, both exclusive and non-exclusive license may be explored.

The Intellectual Property (IP) of the research outcome will generally vest with the host institution on the behalf of Ministry of Textiles. The public interests in exclusive licensing will be protected appropriately and for all Indian patents the Government will have March-in rights including the option of compulsory license, if there is any exigency arising for the patent/technology to protect the interest of public.

It is imperative that the technology/items developed through MoT funding be affordably priced for public interest.

A Memorandum of Understanding or Agreement (MoU/MoA) between the academic institutes/research laboratories/organizations with the industry partner for Intellectual Property rights (IPR) stating terms and references of IPR with other terms and conditions must be submitted to MoT prior to sanction of the project. In cases two or more than two institutes/laboratories are involved in the research, an IP sharing agreement must be submitted to MoT prior to sanction of the project. The timelines on commercialization should be clearly mentioned in the MoU/MoA.

The policy regarding Intellectual Property rights out of the research outcomes for different scenarios will be as follows:

**(i) Situation-1:** A technology purely developed by an academic institution/public funded laboratory.

The IP will be licensed as per the institutional IP policy of the concerned host institution taking into consideration the clauses mentioned in the IP guidelines of MoT. In the absence of such institutional IP Policy, National Government IP policy with MoT guidelines may be used. To the extent possible, IP may be open for licensing to any interested party or non-exclusive basis

**(ii) Situation-2:**

- (a) An IP generated by an academic institution/ public funded laboratory is further scaled up through pilot/ validation project jointly with an industry partner resulting in new joint IPs.

The partnering Industry may enjoy 'the right of first refusal' on the IP component of the joint IPs, residing with academic institution/ public funded laboratory and can be licensed to the industry partner for a period of one year from the date of completion of the pilot scale/ validation project. Beyond that period, the IP in question will be available to open to any industrial partner for licensing on a non-exclusive basis.

- (b) In cases, where a participating Industry Partner has contributed financially, the concerned industry partner will have right over the IPs for a certain period. The indicative time period for exclusive rights given to the sponsoring industry for commercialization (from the date of completion of pilot scale/validation project) of the product/process developed is as below:

Sr. No	Industry Contribution in funding (% of funds sanctioned by Ministry of Textiles)	Exclusive rights for commercialization (in Years)*
1.	Greater than and equal to 10 %	Two Years
2.	Greater than and equal to 25 %	Five Years
3.	Greater than and equal to 50 %	Ten Years

For other contribution, the exclusive rights will be given on pro-rata basis. For example, if the contribution by the Industry partner is 20% of the total amount of the project under National Technical Textiles Mission (NTTM), then the exclusive rights for commercialization will be given for 4 years.

After the expiration of exclusivity period, the technology shall be open for licensing on a non-exclusive basis. The Government can also provide the same IP to another industry.

**(iii) Situation-3:** An IP purely owned by an industry, based on which academic an academic institution/ public funded institution is involved a joint project with the said industry for scale up.

In this situation, any new IP generated by the academic institution may be licensed for a period of two years to the industry partner on an exclusive basis, from the date of completion of the pilot scale/ validation project. Beyond two years, after duly assessing the milestone achievements and royalty realization, the IP can either be considered for further renewal with the same industry on mutually agreeable terms or made to any interested party as per the terms.

**(iv) Situation 4:** In the projects funded for indigenous manufacturing of machinery/tools/ equipment/testing equipment for technical textiles to private institutes/industry in which the industry/private institutes are also developing the said machinery/tool/equipment along with the financial contribution of 50% of the total project cost as per the guidelines.

In this situation, the Government shall recover the funded amount in the form of royalty or other modes as-deemed suitable. The other relevant clauses in the intellectual property guidelines as well as the machinery guidelines shall also be applicable even after recovery of the funded amount.