

Operating Procedure for Dealing with Proposals for obtaining Patents

Preamble:-

SVKM has decided to set up an Intellectual Property (IP) cell in the Central office to protect the intellectual properties (which include primarily Patents) created/generated by the Institutes or their employees. Patent is a key responsibility of the IP cell, which include inter alia, extending support for filing and obtaining patents of inventions created by the faculty members. These guidelines elaborate the processes which are expected to be followed by the Inventors/Institutes and the IP cell dealing with the inventions awaiting filing and obtaining Patents.

Guidelines:-

A Faculty who comes across any innovative idea and thinks that the same qualifies for applying for patent, is required to approach the Head of Institution with an application giving details by filing Invention Disclosure Form, which is enclosed.

Once, the application is received by the Head of the Institution (Dean/Principal), he is expected to screen and evaluate the patentability aspects with the help of local level screening committee.

The local screening committee may consists of:-

1. Head of the Department
2. 1 or 2 Experts from the same Institution and Sister Institutions

If the Screening Committee is convinced on the patentability of the Invention, prima facie, then the Head of Institution may undertake evaluation of Patentability by performing Prior Art Search through an expert agency.

Prior Art Search can be executed with the help of Outsourcing Agencies which are mostly Law firms having expertise in Core IP domain. Usually Central IP cell will recommend agencies for undertaking Prior Art Search process. It is estimated that this work of Prior Art Search can be done within an estimated cost of Rs. 15,000/- to Rs. 20,000/-.

After receiving the Prior Art Search report, based on the findings, Dean/Principal will send the proposal to the SVKM IP cell for further processing.

IP cell will refer the proposal to the Approval Committee who may consider the proposal. The Approval Committee may consists of the following: -

1. One Trustee
2. Vice Chancellor
3. Shri Asoke Basak
4. Dean - Research
5. One expert from the respective technical domain
6. Concerned Dean/Faculty Head

If the committee approves the proposal, IP cell will file the invention application in the Patent Office as per requirements of Rules prescribed under the Indian Patent Act.

While filing the patent, the applicant will be SVKM along with the Institution and the inventor (s) name (s) will be furnished in the appropriate places in forms prescribed in this regard. The IP cell will follow up with the Patent Office for any compliance as may be required. In case there is any objection/challenge and an outside agency/firm is required to be engaged, the same will be done by the IP cell. IP cell will monitor the progress of decision making in the Patent Office regarding the patent application.

Once the patent has been awarded, the certificate and documents pertaining thereof will be kept in the IP cell with one set to be handed over to the Institution as well as to the Inventor (s). It is to be noted that the patent applications cannot be filed by the Inventor in their individual name, bypassing the rights of the Institution who should be the Applicant. Once the patent is granted, the IP cell will be responsible for initiating measures with the active support of the inventor (s)/Institution for commercializing the patent.