

GLOBAL SCIENCE ACADEMY (GSA):

Policy on Ownership and Exploitation of Intellectual Property Rights (IPRs)

This Policy is specifically incorporates legal relationship between the GSA and its staffs.

Intellectual Property Rights (IPR)

- 1 Intellectual property (IP) of GSA be regarded as 'knowledge and its creative application'. In practical terms all material generated by staff should be regarded as potentially being IP and generating intellectual property rights (IPR). Examples of IPR include patents, copyright, performance rights, design rights and trade marks. In relation to questions of ownership of intellectual property, the GSA relies on the Indian Patent Laws in India i.e. Patent Act, 1970 as well as Patents (Amendment) Act (2002), Patent Rule (1972), Patent Rule, 2003 and Copyright Act 1957 and its amendments. Further, by Patent (Amendment) Rules (2005), GSA understands its accountability in making India compliant with the TRIPS Agreement in its IPR.

The Global Science Academy's (GSA's) General Approach

- 2 The wide dissemination of IP is obviously fundamental to the work, the GSA has in this context granted members of staff freedom to publish academic publications and take the income derived from these publications, but the GSA's central administration reserves right of passing a resolution if the same has any restriction to derive the income. GSA upon kind consent of the respective donor of the project will permit for the same. Further, any scientific data of use for research purpose will be allowed to associated researchers as well as for monitoring purpose if the concerned project donor giving its permission.
- 3 In the context of furthering its objectives as an academic and charitable institution, the GSA is committed, both for its own sake and in the interests of its staff, to maximizing the benefits which can be derived from the exploitation of IP. Thus, when IP is exploited commercially, the GSA is committed to sharing the benefits of that exploitation with the staff concerned. The GSA's policy on IPR is based on those commitments - and they mean for example that the GSA and its staff must take all reasonable measures to protect the GSA's IP. The policy is shaped also by the consideration that the GSA and its staff must in any event respect IPR belonging to others.
- 4 In short, the GSA encourages active identification of commercially-valuable IP, suitable protection and robust exploitation to the mutual benefit of the GSA and staff. It should be noted in this context that commercial exploitation (for example, on the basis of patents) need not be incompatible with academic activities such as the publication of academic papers.

Ownership of IPR and the sharing of benefits

The legal position

- 5 The GSA would normally be regarded as owning all intellectual property generated by



GSA staff during the course of their employment.

Conditions of ownership, use and ownership of IP

- 6 The GSA's conditions on the ownership, use and exploitation of IP are designed to reflect the general position under the law: the GSA asserts its right to ownership and use of all IP generated by staff during the course of their employment, and it likewise asserts its right to ownership and use of all IP generated by staff outside the course of their employment where substantial GSA resources have been used. The GSA is however committed to sharing with the staff concerned the rewards derived from successful commercial exploitation of IP which they have generated.
- 7 If members of staff wish to seek the commercial exploitation of any IP owned in whole or in part by the GSA, they must do so with the consent of the GSA obtained through the GSA's "Advisory Committee on IPR" appraisal, followed by Executive Committee approval.
- 8 Decisions on the sharing of any benefits from the exploitation of IPR will be made case by case within the following framework
 - (I) The individuals concerned (hereinafter referred to as the 'inventors') will be required at the outset to warrant that they and only they have contributed to the generation of the IP in question, and to agree between themselves the distribution of the inventors' share of any income or capital gain arising from the exploitation of that IP.
 - (II) The inventors will receive no less than 25 per cent and no more than 40 per cent of the net proceeds from exploitation (after meeting any costs, including GSA overheads), the residue accruing to the GSA.
 - (III) The GSA's share of the net *revenue* and any *capital gain* arising from the exploitation of IP will, in general, be shared with the resource centre(s) in which the IP was generated. The precise share will be determined by the GSA's "Advisory Committee on IPR" in accordance with any guidelines laid down from time to time by the Executive Committee, but revenue and capital gains arising from the exploitation of IP will in any event be subject to a contribution to the GSA's Exploitation Fund and other central funds designed to facilitate the exploitation of IP.
 - (IV) Any disputes about the sharing of benefits will be referred for resolution to the GSA's Executive Committee including the panel of Board of Directors.
- 9 Similar principles will apply to the sharing of the GSA's benefits from the exploitation of IP which is owned jointly by the GSA and a third party.
- 10 Members of staff are expected to take all reasonable steps to ensure that the GSA's IPR is properly protected.