

**SCHEME FOR PEDAGOGY & RESEARCH IN IPRs FOR HOLISTIC
EDUCATION & ACADEMIA (SPRIHA)**

1. INTRODUCTION

Intellectual Property Rights (IPR) refers to creations of the mind, or 'intellect' such as inventions; literary and artistic works; designs; and symbols, names and images used commercially. A property generated by a person using his/ her mind and intellect is called Intellectual Property and the rights over this property given to the individual are termed as Intellectual Property Rights. It is a wide concept and includes intellectual activities in fields such as industrial, literary, scientific and artistic. Copyright, Trademark, Patent, Designs are examples of such IPRs.

Patents, trademarks, designs, etc., play an important role in development of human race and therefore it is of utmost importance to promote and recognize them. Hence, enforcement of IPRs is necessary for economic development, especially industries, rely on such IPRs. It is essential to provide an incentive for new creations. These incentives come in the form of monopoly rights given to the creator of such IP. Respecting others' IPRs is necessary to promote such development. Only with an assurance of rights over the IP generated is given to the creator, one will be willing to generate more such IPs. Therefore, recognizing and respecting such rights is necessary. Not only to the creator but also IPRs are important for consumers as well to identify the products and ensure their purchase with the guarantee of quality.

The Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) which came into effect on January 1, 1995, is one of the most comprehensive multilateral agreements on intellectual property. Intellectual Property, as provided in Article 1 of TRIPS Agreement, refers to all categories of intellectual property that are the subject of sections 1 through 7 of Part-II of the TRIPS Agreement. It covers the following areas of intellectual property viz.; copyright and related rights (i.e. the rights of performers, producers of sound recordings and broadcasting organizations); trademarks; geographical indications; industrial designs; patents, including the protection of new varieties of plants; and undisclosed information including trade secrets.

2. BACKGROUND

The Ministry of Human Resource and Development (MHRD) had established a Central Scheme of Intellectual Property Education, Research and Public Outreach (IPERPO) under which IPR Chairs were set up. The creation and institution of these Chairs was to encourage the study of IPRs in recognized educational institutions, which was one of the many objectives required to be achieved by instituting the Chairs. MHRD-IPR chairs were instituted in many universities and institutes for development and growth of IPR education, research and training.

In order to review the scheme and its effective implementation, Copyright Division, Department of Higher Education and the MHRD, constituted a three-member committee to evaluate the IPERPO scheme. This was done with the view to conduct a comprehensive, in depth and independent evaluation of an ongoing central scheme before its further continuation. The three-member committee was entrusted to undertake a detailed study of the funds released by the Central Governments and the utilization of the same by universities and institutions of higher learning so as not only to assess the extent to which it has been possible to achieve the aims and objectives of scheme, but also to review the scheme itself and suggest policy measures to improve the situation. The main findings/ recommendations of the report are as follows:

- (i) Inability of the institution to find a suitable Professor level person to occupy the IPR chair.
- (ii) No qualifications have been prescribed for the IPR chair in the scheme.
- (iii) No explicit mention about specific activities to be undertaken by the IPR chairs.
- (iv) Activities of most IPR chairs limited to organizing one or two day seminars/ workshops or delivery of few lectures.
- (v) Appointments of employees for setting up chair delayed/ not done due to unavailability of competent staff.
- (vi) Release of subsequent instalments to MHRD-IPR chairs sometimes held back on account of non-submission of Utilisation Certificate as well as the Statement of Expenditure.
- (vii) Lack of certainty regarding continuation of IPR chairs.

Based on the findings of this report, the MHRD prescribed revised norms for the MHRD IPR Chair scheme effective from April 2016.

File No. 17(02)/2016-IPR VII
Ministry of Commerce & Industry
Department of Industrial Policy & Promotion
(CIPAM)

With the transfer of administration of the Copyright Act, 1957 and the Semiconductor Integrated Circuits Layout Design Act, 2000, to the Department of Industrial Policy & Promotion (DIPP), almost all IPR matters are being dealt with under a single umbrella. This was done with the view to consolidate various IP offices under a single department, thus facilitate better coordination and uniformity in decision making at national and international levels. DIPP was already administering Patents Act, 1970, Trade Marks Act 1999, Designs Act, 2000 and Geographical Indication of Goods (Registration and Protection) Act, 1999 earlier. It is also the nodal department for matters concerning World Intellectual Property Organization (WIPO).

National IPR Policy

India is a nation where knowledge is the main driver for holistic development. In this light, the National IPR Policy was approved by the Government of India on May 12, 2016. The Policy is a vision document aiming to create as well as exploit the synergies between all the types of IPR, the concerned statutes and/or legislations thereof and the agencies. This comprehensive policy aims at establishing a holistic atmosphere, conducive for exploiting the full potential of intellectual property, for the social, economic as well as the cultural development of the nation. The policy is unique and one of its kind, designed in such a way, so as to facilitate ease of doing business in India. The policy seeks to inculcate the importance of IPR in every sector and also seeks to revise the existing legal regime to limit issues faced by the stakeholders. The policy is aimed at promoting and developing IPR as well as seamlessly balancing every eligible sector, right from villages, education, to academic and research institutions in the process of successful creation and utilization of IPR on one hand, with public interest on the other hand. It is pertinent to note that one of the objectives of the National IPR Policy under objective 7.2 is to:

"Strengthen IP Chairs in educational institutes of higher learning to provide quality teaching and research, develop teaching capacity and curricula and evaluate their work on performance based criteria."

One of the main objectives of the National IPR Policy is to create public awareness about the economic, social and cultural benefits of IPR amongst all sections of the society. For achieving this mandate, a scheme has been formulated namely 'Scheme for IPR Awareness' under DIPP. This scheme is being implemented through the Cell for IPR Promotion and Management (CIPAM), created as a professional body under

the aegis of DIPP to fulfil the objectives of the National IPR Policy. Under the Scheme, various Awareness Programmes are to be carried out targeting general public, institutions, industry, enforcement agencies and the judiciary. These include online outreach activities, competitions, workshops, seminars etc.

ONALE FOR REVISION

airs need to be set up in Universities and Institutions of Higher Learning/pan India and not be concentrated in just a few educational centres. More regions across India too need to be covered. Taking this into consideration, formulated a Scheme for Pedagogy & Research in IPRs for Holistic

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File No. 17(02)/2016-IPR VII
Ministry of Commerce & Industry
Department of Industrial Policy & Promotion
(CIPAM)

- (iii) Collaborations of Indian academic institutions with other Universities/ Colleges/ Institutions across the world;
- (iv) Develop, formulate and collate inputs/ recommendations industry, practitioners and academia on IPR issues for policy makers;
- (v) Foster research in IPR and related matters and highlight the policy relevance thereof;
- (vi) Co-operation between IPR Chairs to facilitate joint research, shared lecturing arrangements and student/ academic exchanges;
- (vii) Dissemination of research and promoting discussion on IPR; and
- (viii) Facilitate increase in domestic IPR filings.

6. ELIGIBILITY

The following are eligible for applying under the Scheme:

- (i) Universities, Colleges and Institutions of higher learning recognised by the Central and State Governments, including University Grants Commission and All India Council for Technical Education;
- (ii) Institutions affiliated to recognized Universities/ Colleges/ Institutions in the area of IPRs.

NOTE: Individuals are not eligible to apply under this scheme.

7. QUALIFICATION OF IPR CHAIRS & OTHER CONDITIONS

Under the scheme, finances through the mode of grants-in-aid are proposed to be disbursed by DIPP and financial assistance may be given to the IPR Chair, for the following purposes:

7.1 Selection of Chair Professor:-

Designation	IPR Chair Professor
Qualification	(i) An academic/ scholar of outstanding track record in the designated areas of studies. (ii) Retired Officials of IP Offices under CGPDTM having experience of 5 years of working at Grade Pay of Rs. 6, 600/- or above (as Controller of Patent & Design or Registrar of Trademark &

	recognition in the form of DIPP who has made significant contribution to knowledge in the field (to be substantiated by credentials). Up to 20 years Constituted Rs 1 Lakh per month 25% tax on salary, but no 13th month or gratuity. Over 20 years, the proposed salary of senior staff (except those on fixed additional charge as per contract) shall be commensurate with prevailing market rates. Any amount awarded for another two years subject to a maximum of 1 year, if recommended by the League).		
Chair			Duration of term
Appointment	Recommendation of a 3-member Committee consisting of eminent persons to be constituted by the Vice-Chancellor of the University / Director of the Institute to be submitted to DIPP for approval of Competent Authority.		Mode of nomination

File No. 17(02)/2016-IPR VII
Ministry of Commerce & Industry
Department of Industrial Policy & Promotion
(CIPAM)

1.	Books and Journals	Rs. 30,000/- p.a.
2.	Travel (Local & National)	Rs.1 Lakh per annum
3.	Secretarial Assistance	Rs.1.5 Lakh per annum
4.	Organization of workshop/conference/seminar/summer school	Rs.1 Lakh per annum
5.	Continuing Education	

viii Studies commissioned by DIPP, are to be necessarily conducted by the IPR chair.

A synopsis/ concept note, in this regard, will be provided by the IPR chair to DIPP before taking up such study.

ix Facilitate filing of IPR applications (by way of copyrights, patents, etc.) to further

File No. 17(02)/2016-IPR VII
Ministry of Commerce & Industry
Department of Industrial Policy & Promotion
(CIPAM)

8.2. Internship Programs at the Indian IP Offices (Delhi, Chennai, Mumbai, Ahmedabad and Kolkata):-

- a. The IPR chair may conduct internship programs every year for select students to analyse, understand and study the working of the Indian IP Offices. The proposal in this regard may be submitted to the Controller General of Patents, Designs and Trade Marks in a timely manner.
- b. Maximum of two students/ scholars, who may have basic to advanced

academia, it does not extend to law practitioners.

9. CONDITIONS FOR GRANT

- i. For Continuing IPR Chairs: The IPR Chairs appointed by MHRD during 12th

the accounts for this grant will be maintained and any information sought by the Government of India will be furnished within the stipulated time. The Chairperson will certify that the amount has been utilized for the purpose for which it was sanctioned and duly supported by a statement of accounts, from a Certified Accountant. A provisional utilization certificate to be made available by 30th April of the following financial year and a final certificate to be submitted by following September end.

iv. Separately by the Chairperson. A statement of purpose for the grant and a certificate of utilization of the final amount.

- vi. The accounts relating to any procurement made by utilising the funds granted shall at all times be available for inspection by an officer authorized by the Government of India.
- vii. The accounts shall also be ensured to be made available for any audit or scrutiny by the Comptroller and Auditor General (C&AG) of India or his nominees at his discretion. The audit of accounts shall be regulated by the General Financial Rules, 2017.
- viii. The grantee shall prepare and maintain a record of all assets acquired wholly

10. SCREENING OF PROPOSALS/ APPLICATIONS FOR GRANT

All proposals/ applications received for consideration under the scheme shall be considered by DIPP, which may have them examined through the O/o CGPDTM or otherwise.

11. PROCEDURE FOR SUBMISSION OF APPLICATIONS REGARDING SCHEME FOR PEDAGOGY & RESEARCH IN IPRS FOR HOLISTIC EDUCATION & ACADEMIA (SPRIHA)

11.1 All applications with full details should be submitted to:

Secretary,
Department of Industrial Policy & Promotion,
Ministry of Commerce & Industry,
Udyog Bhawan, New Delhi – 110011

11.2 Each application should inter-alia, contain the following information:

- i. The Name of the University/ College/ Institution
- ii. Confirm whether proposal is in accordance with Norms. Deviation, if any, may be submitted in form of Annexure.
- iii. Whether the educational institution is recognized by a State or Central Government or be a university/ institution set up by an Act of Parliament or a State legislature.
- iv. Whether affiliated to any recognized university or deemed to be university; if so, the name of the university or deemed to be university.
- v. Name of the recognizing authority viz. UGC, AICTE etc.
- vi. Registration/ Reference No. [copy of the certificate may please be enclosed]
- vii. List of academic or other activities, related to IPRs undertaken by the Institution of Higher Learning/ University/ College during the past three years
- viii. List of activities proposed to be undertaken

12. MONITORING

DIPP will monitor the outcome and output of the activities carried out by DIPP-IPR Chairs on regular basis and in manner prescribed from time to time.

13. CLOSING / CANCELLATION OF DIPP-IPR CHAIRS

Pursuant to outcome of regular monitoring, if it is found that the Chair is not functioning satisfactorily or the University/ Institute has failed to appoint IPR Chair to conduct any of the activities, deliver the goods, render Policy support to the Government, steps will be initiated by DIPP for cancellation of an IPR Chair of any particular Institute/ University.

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