

**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.

IPR comes in the form of inventions, music, films, videos, brands, designs, etc. They 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 when 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.

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 reliable sector, right from villages, industries, 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 IPRs 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, academic institutions, industry, enforcement agencies and the judiciary. These programs include online outreach activities, competitions, workshops, seminars etc.

3. RATIONALE FOR REVISION

The IPR Chairs need to be set up in Universities and Institutions of Higher Learning/ Education pan India and not be concentrated in just a few educational centres. More towns and regions across India too need to be covered. Taking this into consideration, DIPP has formulated a Scheme for Pedagogy & Research in IPRs for Holistic Education & Academia (SPRIHA) (hereinafter, "scheme") to encourage the study of, education in, research on Intellectual Property Rights (IPR), as well as to promote outreach on Intellectual Property matters. This Scheme has been instituted to develop credit as well as specialized courses on IPR, organize seminars and workshops on IPR matters, develop inputs, research on IPR matters and inculcate a long-standing recognition and respect for one's IP and others IP in the students' minds.

This scheme looks to revise the MHRD-IPR scheme with the sole motto of promoting research and education in IPR as well as to inculcate a budding respect for one's own IP and also for that of others; to remove the underlying disparity between varied funding for different institutions; and to bring uniformity within the various aspects of this scheme with respect to quantifiable deliverables on part of the Chairs.

4. VISION

Facilitate intellectual property education and research.

5. OBJECTIVES

The objectives of this scheme are as under:

- (i) Introducing and promoting IP education in Institutions of higher learning/ universities, for which DIPP-IPR Chairs may be appointed in eligible institutions selected under the Scheme;
- (ii) Creation of an IPR knowledge database by compiling global best practices on all IPR matters;

- (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	<ul style="list-style-type: none">(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 &

	Geographical Indications or Registrar of Copyrights). (iii) An outstanding professional with established reputation in the field of IPR, who has made significant contribution to knowledge in the field (to be substantiated by credentials).
Age	Up to 70 years
Emoluments	Consolidated Rs.1 Lakh per month. In case the University/ Institute is unable to appoint an IPR Chair Professor, it is proposed that a Professor of that University/Institute be given additional charge as IPR Chair Professor with an honorarium not exceeding Rs.25,000/- p.m.
Period of Appointment and Duration of the Chair	5 years (can be extended for another two years subject to a maximum of 7 years, not exceeding 70 years of age).
Mode of nomination	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.

7.2 **Research Assistant**:- Each IPR Chair can appoint Research Assistants who will be paid a fixed salary as under:-

Designation	Qualification	Fixed Pay
Research Assistant (2 nos. only)	Graduate	Rs.30, 000 p.m.
	PG/ LLM degree	Rs.40, 000 p.m.
	Ph.D. holders	Rs.50, 000 p.m.

7.3 Apart from the emoluments to be paid to the appointed Chair and research assistants, the following funds shall be made available (100% funding for the Chairs for five years extendable for further two years)

Sl. No.	Head	Amount

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 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.	Contingency (towards hiring assistance for fieldwork/ data collection & analysis/ office expenses)	Rs.1.2 Lakhs per annum

7.4 For setting up of new Chairs, a non-recurring grant of Rs. 5 Lakhs may be provided; it is to be clarified that institutions that have got funds as MHRD-IPR Chairs will not be eligible for this non-recurring grant.

7.5 These norms will be revised by DIPP as and when the guidelines for the UGC chairs are revised by University Grant commission.

8. ACTIVITIES/ FUNCTIONS

- i Inclusion of IPR as a course at undergraduate level, which shall earn credits for being included in overall aggregation of assessment and marks of the student for the said course, which the student may be undergoing in the University/ College/ Institutions of Higher Learning. Inclusion of IPR as a credit course at the undergraduate level is **MANDATORY** for all IPR Chairs, and compliance in this regard is necessary to claim grants from DIPP.
- ii Inclusion of post-graduate degree/ diploma courses on IPR for specialisation in the field of IPRs.
- iii Inclusion of exclusive curricula on IPR for doctoral and post-doctoral studies.
- iv Inclusion of certificate courses/ distance learning courses/ online courses on IPR.
- v Provision of full time/ part-time scholarships and fellowships for conducting research in legal, economic, socio-legal, social, technological, entrepreneurial aspects of new and emerging IPR areas (national and international) of interests.
- vi Setting up of a repository for IPR related information and case studies at the university/ institution both in physical and electronic form.
- vii Preparation of repertoire of resources/ toolkit/ guidance/ instruction materials for various levels of IPR Courses in education services for direct teaching as well as teaching through distance education mode/ online courses including commissioning of suitable resource persons for the purpose.

- 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 strengthen IP as a key driver for India's knowledge driven economy. The future focus of research will be on mutual relationship with academic institutions/ universities as well as industrial cooperation thus bringing together the disciplines of IP and management, as well as identify the communication gaps in academia and industries for technology sharing/ mutual research, etc.

8.1. Ph.D. Fellowships on Intellectual Property Rights:-

IPR Chairs can enrol Ph.D. scholars in the field of IP, who should be taken as per the norms of UGC/AICTE or respective University or Institute. An IPR Chair can enrol a maximum of 1 new student as a Ph.D. scholar every year.

Designation	Qualification	Fellowship	
		UGC-CSIR / NET- JRF Qualified	UGC-CSIR / NET- JRF Not Qualified
Ph.D. Fellowships	One no. JRF – 1 st and 2 nd years	Stipend of Rs.25,000 p.m. + annual contingency as laid down under the Scheme of the UGC	Stipend of Rs.16,000 p.m. + annual contingency of Rs 25000 plus HRA as admissible
	One no. SRF – 3 rd , 4 th and 5 th years	Stipend of Rs.28,000 pm + annual contingency as laid down under the Scheme of the UGC	Stipend of Rs.18,000 pm + annual contingency of Rs 25000/- plus HRA as admissible

8.1.1. The Grant for fellowship from this scheme is admissible only in case UGC-CSIR/NET grant is not claimed.

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 educational knowledge in the field of IPRs, may be selected by the IPR chair under this internship program.
- c. The duration of this program could be 2 to 6 weeks, every year, depending upon the joint cooperation between the IPR chair and the IP office.
- d. The program is only open for students, scholars, researchers and members of the 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 Five Year Plan or earlier will have to submit a confirmation to continue as IPR chairs under this Scheme along with a statement of grants received and its utilization during the last three years.
- ii. **New Proposals:** Eligible Institutes/ Universities may submit application for institution of IPR Chair. However, funds will be released only after selection of the IPR Chair.
- iii. The IPR chair shall have to furnish an undertaking that the grant shall be utilized for the purpose, and only for the purpose, for which it is sanctioned. Failure to do so shall render the Institution liable to refund the same to the Government, the grant in full with such penal interest thereon as the Central Government may decide.
- iv. Separate accounts for the grant will be maintained and any information sought by the Government of India will be furnished within the stipulated time.
- v. A utilization certificate certifying that the amount has been utilized for the purpose for which it was sanctioned and duly supported by a statement of audited accounts, from a Chartered Accountant. A provisional utilisation certificate to be made available by 30th April of the following financial year and the final certificate to be submitted by following September end.

- 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 or substantially out of the grants received under the scheme. Such assets shall not be disposed of, encumbered or utilized for other purposes without prior sanction of the Government of India.
- ix. The activities of the grantee institutions shall be subject to a review from the point of view of their relevance to the objectives of the grant and after due consideration of all relevant factors during such review, a decision may be taken by DIPP as regards release/ withholding of any further instalments of grants.
- x. Grant under this scheme shall not be utilised by the Grantee Institution for meeting previous liabilities or debts.
- xi. Government of India reserves the right to reject any application for grant without assigning any reason at any stage.
- xii. The grantee institution shall ensure that there is no discrimination on grounds of caste, creed, sex, or religion.
- xiii. The IPR chair receiving grant shall have to furnish an undertaking that grant-in-aid received by the IPR Chair from any other authorities of the Central or State Governments shall be accounted separately from the grant-in-aid received under this Scheme by the IPR chair in respect of various activities undertaken by them. Also, in case Grant is received from other source, then Grant for same activity should not be claimed from DIPP.
- xiv. The grantee institution, in receipt of the grant under the scheme, shall be liable to refund full grant with penal interest thereon as determined by the Government, in case of failure to fulfil any of the terms and conditions of the grant.
- xv. On the close of financial year, any unutilized grant shall be settled as per directives issued by Government from time to time.
- xvi. Unless otherwise expressed, no expenses shall be paid or borne by DIPP.

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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