

ANNEXURE-5

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IPR LICENSING RULES

Definition & Scope

The intellectual property shall include patents, copyright, design, computer software, and trade mark. Licensing of IP shall mean granting the licensee the right to further develop IP or to utilize the IP to develop process(s) or commercializable knowhow, technology/technique to make the resulting product(s), either for commercial/captive or as otherwise agreed to.

Costing

The costing on development of IP/technology shall include the estimated expenditure on raw material, consumables, equipment usage, IP protection and maintenance, outsourcing of services, if any, and contingency etc. NCCS may invite the expression of interest (EOI) to validate and decide the cost estimate for such licensing of IP/technology. Taxes as applicable will be payable by the client as extra.

Sharing of monies from licensing of IP/technology

The consolidated guidelines for sharing of monies from licensing of Intellectual Property and technology with the NCCS staff are as under:

NCCS	50%
Concerned Research Team	35%
NCCS Supporting Staff	10%
NCCS Staff Welfare Fund	5%

Technical Services

Technical services may include assistance to the clients based on available knowledge/expertise/ skills/ infrastructures/ and facilities at NCCS. Technical services may include testing and analysis, routine training, providing information and/or any other services not covered above. The cash inflow through such services will be credited to NCCS account without any provision of sharing with NCCS staff. These services may not be taken up as regular activities, and may be rendered depending upon the availability of facilities, expertise etc.

General Terms and Conditions for Sharing of Monies/fees Earned through Consultancy/IP/Technology Licensing:

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- a. A legally valid agreement should be executed for IP/technology licensing.
- b. The IP/technology transfer/licensing/consultancy should be completed in accordance with the terms of the agreement;
- c. The monies/fees should be received in full;
- d. The maximum amount of money receivable by an employee from licensing of Intellectual Property/ technology/consultancy will not exceed Rs. 5 lakhs per financial year.
- e. The guidelines stipulated in this document may be reviewed by NCCS, if necessary, from time to time.

Categorization of Staff

- a. Inventors may comprise scientists/faculty and other S&T staff (research fellows/post-docs/technical) who have provided innovative, developmental, design engineering, experimental, data/information, testing/analytical, repair/fabrication, training and business development/marketing inputs for the project/activity;
- b. S&T and supporting staff comprise the remaining regular staff who have not been included in the category staff 'a' (i.e. faculty, technical, administration, finance, store and purchase, and services).

Maintenance of Project Records

The project leader/PI shall ensure that the following records are maintained and retained in the laboratory:

i) Project File

Document containing information on a systematic basis on initiation of the idea; date of starting of the project; list of inventors (as defined earlier); responsibilities of the individuals and extent of their participation (whether whole time or part time); significant contributions made by the individuals along with the supporting inputs/contributions of the S&T and other staff.

ii) Completion Report

A document/record book listing the outcome of the project/activity including the contributions made by each of the inventors, S&T and supporting staff should be maintained. The final record should be signed by each of the inventors and the project leader/PI.



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Procedure for Distribution of Monies/Fees

- a) A Standing Committee shall be constituted by the Director, NCCS to consider and decide on the share of the inventors, S&T and supporting staff from the monies realized from licensing of IP/technology/consultancy.
- b) The project leader shall recommend to the Standing Committee the names of the inventors/consultants for a specific IP/technology/consultancy.
- c) The recommendations of the Standing Committee shall be intimated to each of the inventors/consultants and S&T and supporting staff and also displayed on the laboratory and other appropriate notice boards. In case no objections/representations are received within fifteen days on the date of notification, then the same can be submitted for consideration and approval of the competent authority.
- d) Representations, if any, against the recommendations of the Standing Committee, within the stipulated time limit, shall be reconsidered by the standing committee. The Fresh Recommendations of the Standing Committee, along with the details of representations shall be put up to the competent authority for consideration.
- e) The decision of the competent authority on recommendations of the Standing Committee shall be intimated to each of the inventors and S&T and supporting staff and displayed on appropriate notice boards. Distribution of the monies/fees will then be done if no representations are received against the decision of the competent authority within thirty days of the date of notification.
- f) A person will be entitled for a share from the monies/fees even in the event of his/her transfer/retirement/resignation from NCCS. In the event of death of a person, his/her legal heir shall be entitled for his/her share of monies/fees.
- g) The decision of Director, NCCS shall be final and binding on all concerned.

The remaining provisions of the existing IPR Licensing Policy of NCCS will remain the same.

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Annexure 6
CONSULTANCY RULES

Consultancy

Different aspects of consultancy, including the pattern of distribution of honorarium will be decided by the duly constituted committee of NCCS on case to case basis.

Collaborative Research

Collaborative project is a joint endeavor. Thus while costing NCCS's inputs for a collaborative project the intellectual fee should be included in notional project charges. As the client may bear only a part of the NCCS's project expenses, the laboratory should endeavor to ensure that the balance of project charges are recovered by earnings from licensing the R&D results/intellectual property to the collaborator/third party.

Composite Projects

Some projects are composite in nature and envisage diverse inputs of NCCS. These may include consultancy, technical services, contract R&D, etc. Such type of projects can, for purposes of NCCS costing/accounting, be split into appropriate contract research, consultancy and technical services components; and approval of competent authority be obtained for each component indicating the overall project profile.

I. Consultancy by NCCS

Definition & Scope

The laboratory should ensure that owing to financial benefits accruing to staff members from consultancy work, attention is not diverted from R&D related activities. A proper balance of the manpower and other resources to be deployed on R&D activities, consultancy and technical services should be decided by the committee constituted by NCCS.

To facilitate the operation of 'consultancy' services two categories of consultancy, viz. (a) Advisory Consultancy (b) General Consultancy may be demarcated each with its own scope definition, ceiling and pattern of honorarium.

All consultancy services in NCCS shall be institutional. Consultancy shall be in an area of expertise of the laboratory, preferably its thrust areas. For purpose of definition there shall be two categories of consultancy, viz:

A) Advisory Consultancy

Wherein the services would involve scientific, technical, engineering or other professional advice, provided to a client purely on the basis of available expert knowledge and

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experience of individual(s), rendered outside the NCCS and not envisaging use of any facilities of the laboratory (including experimental, informational, computational etc.), and also not involving any kind of survey, detailed study or report preparation/submission.

B) General Consultancy

Wherein the services shall comprise scientific, technical, engineering or other professional advice/assistance based on the available knowledgebase/expertise of the laboratory; and envisaging only minimum use of laboratory facilities for essential experimentation needed to meet the objectives of the consultancy assignment.

General consultancy may inter-alia cover:

- Preparation of literature survey/feasibility studies, state of the-art/project/technology/forecasting reports;
- Interpretation and validation of test results and data, risk and hazard/environment impact analysis etc.,
- Design engineering,
- Assistance in erection, commissioning, operation, fabrication/tendering and purchase of requirement, trouble shooting, productivity improvements, pollution abatement/control measures, energy conservation, waste utilization, technology assessment/evaluation.

Any consultancy assignment which does not strictly fall under the category of Advisory Consultancy, shall be taken up as General Consultancy. The competent authority for approving the consultancy shall have the power to decide on the category of a particular consultancy assignment.

Approvals for projects will be accorded by the competent authority may be based on recommendations by a committee constituted by the competent authority of NCCS.

Approvals for contracts for consultancy services of a minor nature, formal agreement on a stamp paper may be dispensed with and the terms and conditions settled through exchange of letters. However, the terms and conditions should include a disclaimer on responsibility of the laboratory for the advice/recommendations given in the consultancy. In case the head of the institute/competent authority feels that an agreement would be technically and legally useful, the party may be asked to enter into a legal agreement.

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Costing of Consultancy Projects

It is feasible to make realistic estimates of inputs for a consultancy project. The amount to be payable by the client seeking consultancy will be decided by a duly constituted committee by the Director, NCCS. While fixing the consultancy charges, estimated expenditure on various components including raw materials, consumables, equipment, contingency, travel expenses etc. may be taken into account. Taxes as applicable will be payable by the client as extra.

Record of deployment of resources for a consultancy project, especially the manpower, should be separately and carefully maintained and the resources deployed should by and large be in conformity with the approved estimates.

Honorarium for Consultancy Work

Honorarium is payable to the team of consultants and S&T and supporting staff of NCCS. In case there is no staff under S&T and supporting staff associated with a consultancy project the share of honorarium earmarked for this category shall then go to the team of consultants.

The pattern of distribution of consultancy honorarium for **general consultancy** work taken up may be as follows:

NCCS	50%
Team of consultants	35%
S&T and supporting staff	10%
NCCS welfare fund	5%

The pattern of distribution of consultancy honorarium for **advisory consultancy** may be as follows:

NCCS	50%
Team of consultants	45%
NCCS welfare fund	5%

The 'Team of Consultants' shall comprise only such staff members who provide intellectual inputs to the specific consultancy work while 'S&T and supporting staff' shall generally include the remaining regular staff (faculty, technical, administration, finance, store and purchase, and services).

If needed, apportion of distributable amount can be done by the competent authority on case to case basis.

The amount will be distributed after successful completion of the consultancy assignment.

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In case of Advisory Consultancy projects for which the duration of the contract is more than a year, honorarium may be distributed annually, provided the amount due for the respective year has been received from the client.

Ceiling on Amount of Honorarium:

The maximum amount of honorarium receivable by an individual in a financial year shall be limited to Rs. 5,00,000 (Rupees five lakhs). The amount of honorarium receivable by an individual during a financial year shall be computed for all the consultancy projects completed during the particular financial year and the amount, if any, in excess of the prescribed ceiling, shall not be carried over to the following financial year, but shall be credited to the NCCS Welfare Fund.

Other Aspects

I. TA/DA/per diem allowances

The laboratory shall be free to negotiate on TA/DA for the staff deputed outside the laboratory on the project work in respect of assignments from non-govt. clients only. The TA/DA and per diem allowances should not be less than that prescribed by NCCS.

II. Guidelines for work/contracts with foreign clients

Work taken up for foreign clients shall continue to be negotiated on a case to case basis, as per present procedures stipulated in the extant guidelines. However, in every contract negotiation on the 'opportunity value' should be cashed upon through timely response, with the approval of the competent authority.

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