

India's universities generate enormous intellectual property every year -- yet most of it remains unprotected, unmonetised, and unknown. This guide gives faculty, researchers, IP cells, and technology transfer offices a clear, practical framework to identify, protect, and commercialise institutional IP under Indian law.

WHY UNIVERSITY IP PROTECTION MATTERS

Strong IP management improves NIRF and NAAC rankings, attracts industry-sponsored research, generates royalty income, supports faculty and student start-up ecosystems, and enables technology transfer to the public and private sectors.

STEP 1 IDENTIFY YOUR UNIVERSITY IP ASSETS

What You Have	Type of IP Protection
Research Publications and Books	Copyright
Novel Invention or Process from Research	Patent
Software or Algorithm Developed In-House	Copyright and Patent
Unique Product Design from Lab Research	Design Registration
University Name, Logo, or Programme Name	Trade Mark
Plant Variety from Agricultural Research	PPV and FR Act, 2001
Confidential Research Data or Protocol	Trade Secret plus NDA
Course Materials and E-Learning Modules	Copyright
Biological Material or Micro-Organism	Biological Diversity Act
Dataset with Original Selection	Copyright

IP Identification Checklist

- ☐ Novel product, device, or process arising from faculty or student research
- ☐ Software, application, or platform developed using institutional resources
- ☐ Research publications, course materials, or creative works authored institutionally
- ☐ University brand name, logo, or programme name used in commerce or recruitment
- ☐ Confidential research data or pre-publication findings shared with industry
- ☐ Plant variety, biological material, or genetic resource developed in research

STEP 2 INSTITUTIONAL IP HEALTH CHECK

- ☐ An Institutional IP Policy has been approved by the Board or Academic Council
- ☐ A dedicated IP Cell or Technology Transfer Office (TTO) exists and is operational
- ☐ Employment contracts for faculty include an IP assignment and confidentiality clause
- ☐ Student enrolment agreements address IP ownership for project and thesis work

- ☐ Contractor and visiting faculty agreements include written IP assignment clauses
- ☐ Invention disclosure forms are available and used regularly by faculty and researchers
- ☐ A centralised IP register or inventory is maintained and updated regularly
- ☐ NDAs are executed before sharing pre-publication research with industry partners

STEP 3 THE "STOP AND CHECK" TOOL -- BEFORE ANY DISCLOSURE
Before sharing research with any external party, confirm all of the following:

- ☐ A patent application has been filed before any conference, paper, or demo
- ☐ The industry partner or collaborator has signed an NDA
- ☐ The material transfer agreement (MTA) is in place for biological material
- ☐ The sponsored research agreement clearly allocates IP ownership

CRITICAL | PUBLISH OR PATENT -- NOT BOTH AT ONCE
Under the Patents Act, 1970, an invention that is publicly disclosed -- including in a research paper, conference, or poster -- before filing a patent application may be permanently unpatentable. File the patent application BEFORE submitting the paper. India's grace period covers only recognised exhibitions and government publications.

STEP 4 CHOOSE THE RIGHT IP PROTECTION
Each IP type protects something different. Multiple types often apply to one innovation.

IP Type	What It Protects	Key Law and Details
Patent	Novel inventions, processes, and technical innovations from research	Patents Act, 1970. File with Indian Patent Office. Valid 20 years.
Trade Mark	University name, logo, programme names, and institutional brands	Trade Marks Act, 1999. File with TMR. Valid 10 years, renewable.
Copyright	Research papers, software, course content, datasets, artistic works	Copyright Act, 1957. Automatic on creation. Registration aids enforcement.
Design	Product appearance or shape arising from engineering or design research	Designs Act, 2000. File with Design Wing, Patent Office. Valid 10 years.
Trade Secret	Confidential research protocols, know-how, and pre-publication data	Protected by contract law. Use NDAs, MTAs, and access controls.
PPV and FR Act	New plant varieties developed through agricultural or biological research	PPV and FR Act, 2001. File with Plant Variety Registry.

STEP 5 IP PROTECTION ROADMAP FOR UNIVERSITIES
Follow these four stages to build a strong institutional IP foundation.

1 Stage 1 -- Research and Idea Stage

- ☐ Maintain dated lab notebooks and invention disclosure records
- ☐ Execute NDAs before any external collaboration or industry discussion
- ☐ Brief faculty and researchers on the institutional IP disclosure process
- ☐ Identify research with commercial potential early in the project lifecycle

2 Stage 2 -- Pre-Publication Stage

- ☐ File patent application BEFORE submitting the research paper for publication
- ☐ Conduct patentability and freedom-to-operate search before filing
- ☐ Execute sponsored research or collaboration agreement with IP ownership clause
- ☐ Obtain Section 39 clearance before filing any patent outside India

3 Stage 3 -- Protection and Commercialisation Stage

- ☐ Register trade mark for university name, logo, and programme brands
- ☐ Register copyright for significant software, datasets, and course content
- ☐ Negotiate technology licensing agreements with industry partners
- ☐ Support faculty or student start-ups through incubation with IP licences

4 Stage 4 -- Portfolio Management Stage

- ☐ Pay renewal and maintenance fees to keep registered IP alive
- ☐ Monitor for infringement and file oppositions or cancellations where needed
- ☐ Develop an international filing strategy for globally relevant research
- ☐ Value the IP portfolio for balance sheet, fundraising, or ranking purposes

STEP 6 UNIVERSITY IP FUNDING AND SUPPORT**UNIVERSITY IP COST BENEFITS**

Educational institutions qualify for the 'natural person' reduced fee category. Patent filing fee for educational institution: Rs. 1,750 (e-filing) vs. Rs. 8,800 for large companies. Trade mark filing fee: Rs. 4,500 vs. Rs. 9,000 for companies. Expedited examination is also available and can reduce wait time significantly.

Key Government Schemes for Universities

- DPIIT Startup India TBI -- Technology Business Incubators for IP commercialisation support
- DST NIDHI Programme -- funding for technology development and IP filing from research
- SERB and DST Research Grants -- R and D funding with IP ownership provisions
- BIRAC BIG Scheme -- Biotech Ignition Grant for early-stage IP in life sciences research
- CSIR NMITLI -- industry-academia collaborative research with IP sharing framework
- Smart India Hackathon (AICTE) -- student innovation and IP creation support

STEP 7 COMMON UNIVERSITY IP MISTAKES TO AVOID

Publishing research papers before filing a patent application -- novelty is permanently lost
 Sharing pre-publication research with industry without an NDA or sponsored research agreement
 Student theses treated as public domain without addressing IP ownership in enrolment agreements
 No invention disclosure system -- innovations are never captured or assessed institutionally
 Ignoring trade mark protection for the university brand, logo, and programme names

Not paying renewal fees -- registered patents, trade marks, and designs lapse silently

STEP 8 IP READINESS SCORECARD FOR UNIVERSITIES

Give yourself one point for each item completed. Measure your institutional IP strength.

Score Your Institution

- ☐ Institutional IP Policy approved by the Board or Academic Council
- ☐ Dedicated IP Cell or Technology Transfer Office established
- ☐ Patent application filed for at least one research innovation
- ☐ Revenue-sharing policy defined and communicated to all stakeholders
- ☐ IP training conducted for faculty, researchers, and students
- ☐ Technology licensing or start-up incubation programme active

0 to 2	3 to 5	6 to 8
Early Stage Immediate action needed. Establish your IP Cell and policy today.	In Progress Good start. Prioritise remaining items to strengthen your position.	Well Prepared Strong IP foundation. Focus on commercialisation and expansion.

STEP 9 UNIVERSITY IP ACTION PLAN

Next 30 Days	Next 60 Days	Next 90 Days
☐ Draft or update Institutional IP Policy ☐ Establish IP Cell or TTO ☐ Introduce invention disclosure forms ☐ Execute NDAs with all collaborators	☐ File patents for mature research ☐ Register university trade marks ☐ Review faculty and student agreements ☐ Apply for DST/SERB/BIRAC funding	☐ Launch technology licensing programme ☐ Apply for DPIIT TBI recognition ☐ Conduct IP training for faculty ☐ Develop international IP filing plan

Quick Reference | University IP at a Glance

PATENT	TRADE MARK	COPYRIGHT
Research inventions and processes. Patents Act, 1970. Valid 20 years. File BEFORE any publication. Fee: Rs. 1,750 for institutions.	University name, logo, brands. Trade Marks Act, 1999. Valid 10 years, renewable. Fee: Rs. 4,500 for institutions.	Papers, software, course content. Copyright Act, 1957. Automatic on creation. Registration aids enforcement.
DESIGN	TRADE SECRET	PPV AND FR
Product appearance from research. Designs Act, 2000. Valid 10 years. File with Design Wing. Must be novel and not disclosed.	Pre-publication research data. Protected by contract law. Use NDAs and MTAs always. No formal registration needed.	New plant varieties from research. PPV and FR Act, 2001. Valid 15-18 years. File with Plant Variety Registry.

Your Research is Your Institution's Greatest Asset

Identify. Protect. Transfer. Commercialise. Start today.

DISCLAIMER: For general guidance only. Not legal advice. Consult qualified IP counsel before any IP decision. Applicable jurisdiction: India.