India …….Innovating with inclusiveness

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Issues for discussion

- **National framework supportive of managing IP in Government assets**
- **Management of IP of innovation arising from within government labs, hospitals and other such departments and agencies**
- **Management of IP of research results of public research institutions**
- **Management of IP in procuring innovative solutions for solving public problems**
- **Managing IP in government information**

Partners in the game
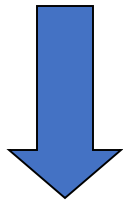
Government
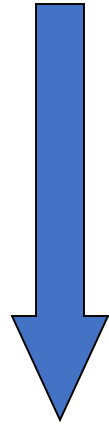
Private

Entrepreneurs/ SMEs/Startups

Key elements of the National IPR Policy 2016

1. To create public awareness about the benefits of Intellectual property among all sections of society.

2. To stimulate the creation and growth of intellectual property by undertaking relevant measures.

3. To have strong and effective laws with regard to IP rights, consistent with international obligations.

4. To modernise and strengthen IP administration.

5. To catalyse commercialization of IP rights.

6. To strengthen the enforcement and adjudicatory mechanisms for combating IP violations and to promote awareness and respect for IP rights.

7. Capacity development by strengthening and expanding human resources, institutions for training, research and skill building in IP.

Government Agencies Funded Research

Ownership of IP

Employees

Institutions utilising funds disbursed by the agency

Benefit sharing arrangements

Use of Knowhow

Exclusive / non-exclusive licenses

First Right to Refusal Arrangements in case of collaborative research

Rights to further developments

March-in rights of the Governments

Questions: Are there any specific national laws?

Are there any policies governing these aspects?

A few aspects of relevance

- Section 47 of PATENT ACT……Conditional Grant of Patent..Research Exemption
- Section 107a of Patent Act……Certain Acts not to be considered as Infringement
- Section 107b of Patent Act…… International Exhaustion
- Reporting of Working of Patents
- Acquisition of Patent Rights by Government (Section 102)
- Revocation of patent in Pubic Interest (Section 66)
- Importation of Medicines by Government (Section 47 of patent Act)

National Research Development Corporation (NRDC)…a government intermediary

- An enterprise of Ministry of Science & Technology, Department of Scientific & Industrial Research (DSIR), Govt. of India set up on 1953, with a mandate to develop, promote and transfer/commercialize Intellectual Property Rights / technologies emanating from various national R&D institutions/universities/Public Sector Undertakings (PSUs) in the country to Entrepreneurs, Start-ups and Micro, Small and Medium Enterprises (MSMEs)

- NRDC acts as an effective catalyst in translating innovative research into marketable industrial products/processes and services in areas like Pharmaceuticals, Biotechnology, Chemicals, Energy, Agro & Food processing

Startup India Hub

One stop platform for ecosystem stakeholders

UNIFIED PLATFORM FOR STARTUP COMMUNITY

www.startupindiahub.org.in

10,000+ registrations

Investor

Mentor

Startup

Govt. Bodies

Incubator

Accelerator

Information Discovery

Curated Learning Programs

Networking & Engagement

Tools & Templates

Applications to enablers

MINIMIZE
Information asymmetry

MAXIMIZE
Utilization of resources

NRDC Sources of Technologies

Number of Technologies Licensed by NRDC to Startups / MSEs in various States in India
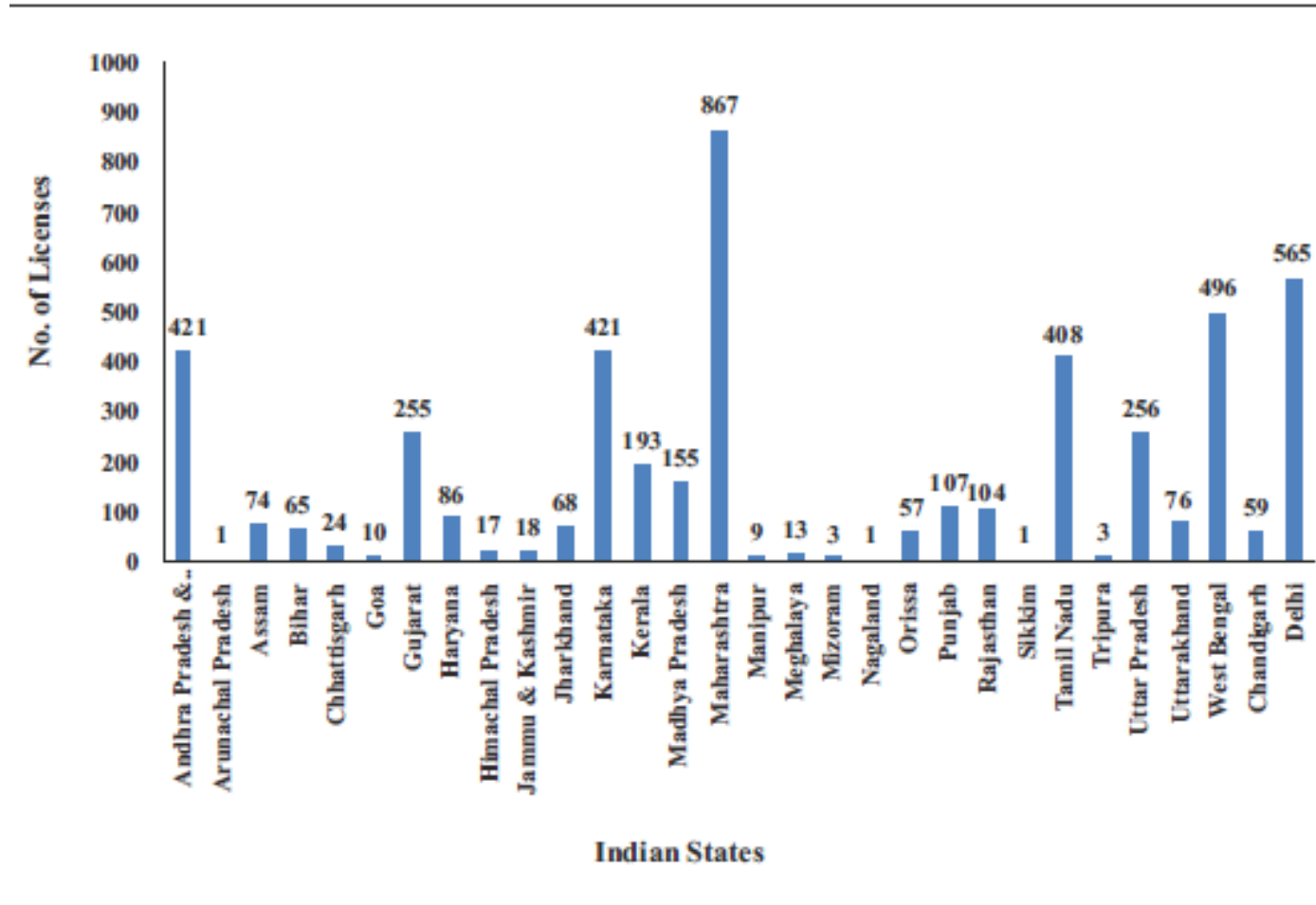
During 2010-17, NRDC has assigned a total 509 technologies and licensed 335 technologies to various industrial units for commercialization (NRDC Annual Report, 2016-17). In 2017, NRDC assigned/licensed 144 technologies.

Webportals for technologies available from various govt institutions

- CSIR Technology Portal and Patent Database URL: http://techindiacsi r.anusandhan.net Patent Database URL: http://www.patest ate.com

- National Research Development Corporation (NRDC) Web Portal URL: http://fccollc.com/ nrdclive/

- BIRAC technology portal URL: http://birac.nic.in/t echnologyportal.p hp

- DST-The National Innovation Foundation (NIF) Technology catalogue URL: http://nif.org.in/tech nologycatalogue/28 DST-Intellectual Property Management (IPM) web page URL:http://nif.or g .in/ipr

- Indian Council of Medical Research ICMR Technology listing web page URL: http://www.icmr.n ic.in/ipr/icmr_tech nology_available_ for_collaboration_ %2828%29.htm

- Defense Research and Development Organization (DRDO) Technology web page URL: http://www.drdo.g ov.in/drdo/English /index.jsp?pg=ho mebody.jsp

- Indian Space Research Organisation (ISRO) Technology Transfer page URL: https://www.isro.g ov.in/isrotechnologytransfer/patent

- The Department of Atomic Energy (DAE) patent web page URL: http://www.dae.ni c.in/?q=node/954

- Indian Council of Agricultural Research(ICAR) ICAR-IARI URL: http://iari.res.in ICAR-NDRI URL: http://ndri.res.in ICAR-IVRI URL: http://ivri.nic.in

- Technology Information, Forecasting and Assessment Council (TIFAC) Patent Facilitating Centre (PFC) URL: http://www.pfc.or g.in/db/db.htm

National Data Sharing & Accessibility Policy (NDSAP)

- The Union Government through Ministry of Science and Technology has formulated the National Data Sharing and Accessibility Policy (NDSAP), while Ministry of Electronics & Information Technology (MeitY) is the nodal Ministry to implement the policy. Department of Science and Technology continues to be the nodal department on policy matters.

- The policy was notified by the Department of Science and Technology (Govt. of India Gazette dated 17th March 2012). Government Open Data License – India National Data Sharing and Accessibility Policy 10th February, 2017 notified in the Gazette of India on 10th February, 2017.

- Created "data.gov.in" through National Informatics Centre (NIC).

Overview of OGD India Platform

https://www.meity.gov.in/open-data
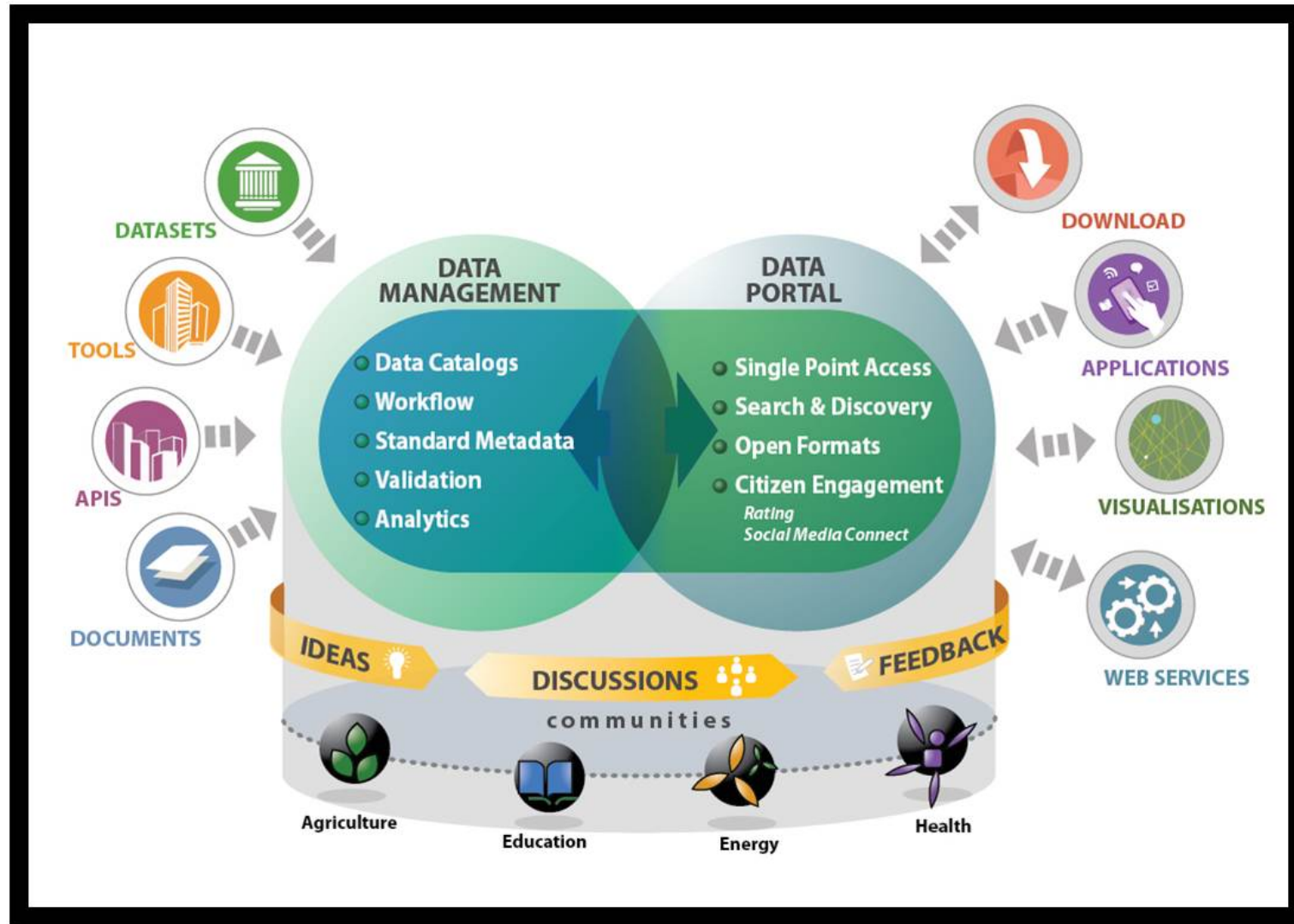
Open Access Publishing Directives

- Open Access Publishing in India, such as, Open Access India- an online community of practice, launching of LOAD (Listing of Open Access Databases), the initiatives taken by the CSIR (Council of Scientific and Industrial Research), DST and DBT in making it mandatory to maintain a repository / publish in OA of the government funded research results and also the mandates of other institutions.

- INFLIBNET's ShodhGanga project -- a digital repository of Indian theses and dissertations. The e-prints archives viz., Eprints@iisc of Indian Institute of Science, TKDL (Traditional Knowledge Digital Library), NDLI (National Digital Library of India) etc. are major initiatives.

- Registry of Open Access Repository Mandates and Policies (ROARMAP) lists 16 institutions / organizations from India which have mandated to publish their research output in OA

Source: Open Access Policies and Mandates: A Study of Their Implementation in Academic Institutions in India
S. Sudarshan Rao and N. Laxman Rao; http://library.ifla.org/2128/1/092-rao-en.pdf

Main Objectives of OGD

i) Provisioning an enabling Platform to provide proactive and open access to the data generated through public funds by departments/ organizations of Government of India.

ii) To increase Transparency, Accountability, Citizen Engagement, Collaboration, Better Governance, Decision making & Innovation.

iii) Paradigm Shift in
Governance – Direct Delivery of Services to Citizen, Setting up a Platform for Collaboration, Innovation in delivery of Services to Citizen.

Main features of OGD platform include Single point access to open datasets, Responsive Web Layout design, Enhanced Visualization Platform, Better User Experience and efficient discoverability of resources, Cataloging of Similar resources, APIs, Embedding Catalogs, Widgets to share filtered set of catalogs, Catalogs Subscription, Community participation through Forums, Blogs, Infographics and Visualizaion and much more.

Source: https://www.meity.gov.in/open-data