

**Vivekanand Shikshan Sanstha's  
Vivekanand Arts, Sardar Dalipsingh Commerce and Science College,  
Aurangabad**

**IP – Consultancy- Technology Transfer Policy**

**Intellectual Property-**

Intellectual property generated in the institution should be channelized through IP cell of the college for registration. Such IP's would be registered in the name of college and college will bare the charges of IP registration. In some circumstances, where the innovator seeks external services for IP protection the IP should be registered in innovators name and charges incurred should be brought by the innovator. Institution would not be having any claim on such IP's.

**Consultancy Services-**

All consultancy services in Vivekanand College shall be institutional except otherwise stated. Consultancy shall be in an area of expertise of the laboratory, preferably its thrust areas. For purpose of definition there shall be three categories of consultancy viz;

**1. 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 experience of individual(s), rendered outside the College 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.

**2. 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 commissioning, operation, fabrication/tendering and purchase of requirement, trouble shooting, productivity improvements, pollution abatement/control measures, energy conservation, waste utilisation, technology assessment/evaluation.

### 3. Private Consultancy

- A staff member may undertake a Private Consultancy. In conducting a Private Consultancy, a staff member must not establish a real or potential conflict with their obligations to the University or undertake activities which are contrary to the interests of the College.
- No responsibility for Private Consultancy undertaken by a staff member shall attach to the College.
- None of the **benefits set out in permitted level of consultancy** are available to staff undertaking a Private Consultancy.
- It is the responsibility of the staff member undertaking a Private Consultancy to make clear to the person or body for which the Private Consultancy is undertaken that, it is the staff member and not the College who is carrying out the work, and that the College has no responsibility or liability in the matter.
- A staff member conducting a Private Consultancy must ensure the following criteria are met:
  - the carrying out of tasks associated with the Private Consultancy will be able to be accomplished without unduly affecting the duties of the position;
  - the use of College trademarks such as letterheads, brands etc. or College intellectual property is strictly prohibited in Private Consultancies;
  - either: no College facility (including library resources, power, space, equipment, consumables, telephone facilities) will be used to fulfil the requirements of the Private Consultancy, **OR** the cost of the use of any such facility will be reimbursed under the terms of a written agreement between the staff member and the College,
  - College is not bound by any agreement (written or otherwise) relating to the Private Consultancy;
  - The staff member must agree to indemnify College and its representatives from and against all actions, claims, loss, damage, costs, charges, liabilities and demands arising directly or indirectly from or in respect of the Private Consultancy activity.

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.

It should be ensured that, owing to financial benefits accruing to staff members from consultancy work, attention is not diverted from teaching and other activities to consultancy. 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 Research Council. There should be no diversion of classification of R&D projects as consultancy; in case of borderline or doubtful cases the project should be classified as contract R&D projects rather than as consultancy.

### **Approvals**

A formal approval by Principal is necessary for initializing any consultancy work. 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 Principal feels that an agreement would be technically and legally useful, the party may be asked to enter into a legal agreement.

### **Categorization of Staff**

The 'Team of Consultants' shall comprise only such staff members who provide intellectual inputs to the specific consultancy work while 'Other S&T Staff shall generally include Group III & IV staff, Research Fellows/Associates who assist the team of consultants with S&T, information, computational, economic and marketing inputs pertaining to the specific consultancy.

### **Benefits to the College**

The benefits that the College expects to accrue from successful consultancies include:

- Development of useful business and academic contacts;
- Extension of the knowledge base, thereby informing the learning and teaching of academic and research staff and providing them with the opportunity to test out and demonstrate the impact of their academic expertise on markets, sponsors or external organizations;
- Increased external stimulus for enriching intellectual activity;
- Greater knowledge of the relationships which exist with companies seeking specialist services;

- Development of possible opportunities for future partnerships (e.g. research projects, studentships, Knowledge Transfer Partnerships, commercialization and licensing of Intellectual Property Rights, spin- out companies, high quality Continuing Professional Development);
- Development of marketing opportunities;
- Financial benefits to the individual and/or University, in the form of additional income and diversification of income sources;
- Enhanced justification for external funding through the enhanced reporting of consultancy activity; and
- Contribution to staff development.

#### **Risk factors -**

The College recognizes that there are various risk factors (both corporate and personal) associated with academic and research staff undertaking consultancy and related activities. While considering approval for such activity the management of the following risks should be addressed:

- Commercial risks - the loss of intellectual property rights and potential tax liabilities;
- Potential use of resources and diversion of staff time from their main academic activities;
- Quality - poor quality work having an adverse impact on the reputation of the member of staff and the College;
- Legal - non-compliance with legislation and other potential liabilities arising from undertaking the consultancy work; and
- Reputational - the College or employee being associated with organizations that could harm the reputation of the College or the individual.

#### **Permitted level of Consultancy:**

College employees are permitted to undertake up to 50 working days consultancy activity per academic year with the approval of Head of the Department and Principal.

In some circumstances, Department may authorise staff to undertake further consultancy work within aforesaid limit, but this must be discussed and approved by the Head of Department and Principal on a case-by-case basis.

### **Honorarium for Consultancy Services**

The pattern of distribution of honorarium for all Consultancy assignments shall be as follows:

<b>Advisory Consultancy (Involving Other S&amp;T Staff)</b>		<b>Advisory Consultancy (Not Involving Other S&amp;T Staff)</b>	
Team of Consultants	80 %	Team of Consultants	80%
Other S&T Staff	15 %	College Welfare Fund	20%
College Welfare Fund	5%		

<b>General Consultancy (Involving Other S&amp;T Staff)</b>		<b>General Consultancy (Not Involving Other S&amp;T Staff)</b>	
Team of Consultants	45 %	Team of Consultants	50%
Other S&T Staff	15 %	College Welfare Fund	50%
College Welfare Fund	40%		

For Private Consultancy, 100% honorarium should be with the team of consultants.

The expenses incurred for travel and food during visit/discussion should be brought by the client. If it is not bared by the client (as per the agreement) it should be deducted from the overall consultancy fees and the remaining amount should be distributed as per the above mentioned.

### **Technology Transfer/ Utilization of Knowledgebase**

Intellectual properties / technology know how owned by the college/innovator(s) can be licensed to interested client.

- a. Innovator(s) may comprise staff/scientists have provided innovative, developmental, design engineering, experimental, data/information, training and business development/marketing inputs for the project/activity;
- b. 'Other S&T Staff' shall generally include Group III & IV staff, Research Fellow/Associates who assist the innovators with S&T, testing/analytical, repair/fabrication, information, computational, economic and marketing inputs.

<b>IP/Tech Know how Owned By College (Involving Other S&amp;T Staff)</b>		<b>IP/Tech Know how Owned By College (Not Involving Other S&amp;T Staff)</b>	
Innovator(s)	45 %	Innovator(s)	50%
Other S&T Staff	15 %	College Welfare Fund	50%
College Welfare Fund	40%		

<b>IP/Tech Know how Owned By Innovator(s) (Involving Other S&amp;T Staff)</b>		<b>IP/Tech Know how Owned By Innovator(s) (Not Involving Other S&amp;T Staff)</b>	
Innovator(s)	80 %	Innovator(s)	80%
Other S&T Staff	15 %	College Welfare Fund	20%
College Welfare Fund	5%		

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Principal