

Kerala University of Health Sciences Intellectual Property - Copyright Policy

Introduction

Kerala University of Health Sciences (KUHS) values the creation of a dynamic intellectual environment that supports the generation of knowledge, academic research, and new ideas. This policy outlines the rules and guidelines regarding the ownership, use, and distribution of intellectual property (IP) created by members of the university community, including students, faculty (full-time, part-time, adjunct, visiting, and emeritus), staff, and visiting scholars. The objective is to foster creativity, innovation, and knowledge dissemination while safeguarding the rights of all stakeholders.

Preamble

The Kerala University of Health Sciences Intellectual Property and Copyright Policy aims to cultivate an innovative and vibrant academic atmosphere. Recognizing the importance of intellectual property in advancing knowledge, promoting creativity, and contributing to the public good, this policy seeks to balance the interests of the university, its faculty, staff, and students. By clearly defining and fairly managing the rights and responsibilities related to the creation and use of intellectual property, the university encourages the development and dissemination of scholarly and creative works. This policy reflects KUHS's commitment to academic freedom, collaboration, and the responsible management of intellectual property.

1. Authority

The Kerala University of Health Sciences, Thrissur, enacts this Policy under the powers granted by Chapter II-5 (i, ii, vii, ix, xiii) of the KUHS Act 2010 (Act 4 of 2011).

2. Short Title, Application, and Commencement

This Policy shall be known as the “Kerala University of Health Sciences Intellectual Property and Copyright Policy.” It will come into effect upon approval following due process and will be governed by the Governing Council.

3. Applicability

This policy applies to all forms of intellectual property created within the university, including but not limited to:

- a. Study materials, such as texts, glossaries, training manuals, syllabi, and study guides.
- b. Resource modules, programmed instructional materials, and lectures.
- c. Published books or unpublished scripts.
- d. Research notes, research data reports, and research notebooks.
- e. Research papers and journal articles.
- f. Software and digital content.
- g. Films, filmstrips, charts, transparencies, visual aids, video-audio tapes, cassettes, solid-state drives, optical media, and all other analog and digital data storage devices.
- h. Video and audio broadcasts, including live and recorded material.
- i. Any other materials or works, other than software, which qualify for protection under the Indian Copyright Act.

4. Definitions

- a. 'University': Refers to Kerala University of Health Sciences (KUHS).
- b. 'Intellectual Property (IP)': Includes creations, works, inventions, and discoveries that may be protected by patents, copyrights, trademarks, or trade secrets.
- c. 'Copyright': Protection given to creators of original works of authorship, including intellectual, literary, and artistic works.
- d. 'Creator': Any student, faculty, staff, or visiting scholar who creates IP within the scope of their relationship with the university.
- e. 'Work-for-Hire': Work created by employees within the scope of their employment, or certain types of works specially ordered or commissioned under a written agreement.
- f. 'Standard Resources': Resources commonly provided or made available to similarly situated faculty, including office space, library facilities, research assistance, ordinary access to university computers and network facilities, secretarial and administrative support staff, and general supplies.
- g. 'Significant Resources': Resources provided by the university that are substantially beyond those commonly provided to similarly situated faculty. This may include:
 - i. Significant financial investment in the project exceeding an amount or percentage of a typical research grant fixed by the University.

- ii. Access to specialized facilities or equipment not typically available (e.g., specialized computers or workstations, dedicated software, unique research labs).
- iii. Dedication of a substantial amount of university staff time or expertise (e.g., dedicated research assistants, specialized technicians).
- h. ‘Technology Transfer Office’: Responsible for technology transfer and other aspects of the commercialization of research conducted at the university.

5. Ownership of Intellectual Property

- a. Faculty members retain ownership and control over educational and academic materials they create themselves, such as course plans, lecture notes, and other resources used for traditional and online classes, scholarly publications, textbooks, creative works, and any unpublished research findings, provided these were developed using typical university resources available to all faculty.
- b. The university may own copyrightable works in the following instances:
 - i. The work was created in accordance with a written agreement with the university, which specifically provides that the university will own the copyright.
 - ii. The work was developed from a sponsored research project or other agreement in which the copyright terms are specifically stated or negotiated.
 - iii. The work was created as part of an administrative assignment (e.g., a report for a university committee or group).
 - iv. The work was created as a specific requirement of employment or as part of an assigned institutional duty, including those created or facilitated by a university unit for use in teaching, research, public information, or other university activities.
 - v. The work was created in whole or in part by faculty members with the support of significant resources specifically authorized by the university. Significant resources may include substantial media development, significant research assistance, access to special university facilities or resources, and substantial input from university IT personnel and facilities. IP created using significant university resources is generally owned by the university.

- vi. Intellectual contributions (including instructional materials, courseware, and online course materials) for which the university has specifically engaged a creator or creators.
 - vii. Other copyrightable material with contributions from the university.
- c. Copyrightable materials created by university staff within the scope of their job responsibilities are considered “work made for hire,” with the copyright automatically belonging to the university.
- University shall not claim ownership of materials created by staff members on their own initiative, outside the scope of their employment, and without significant university resources.
- d. The copyright in academic materials created by students, such as projects and term papers, generally belongs to them, except in the following instances:
- i. Thesis or dissertation works of students or research scholars.
 - ii. The work is created in the course of employment at the university.
 - iii. The copyright is transferred to the university by written agreement.
- e. The copyright of materials created for the university by persons other than faculty, staff, or students rests with the university unless explicitly stated otherwise.
- f. The university and the creator may claim joint ownership of the copyright in intellectual contributions if agreed to in advance and codified in a written agreement.
- g. The university may decide to forego or modify its rights to certain works in accordance with written agreements with the creators.
- h. The university retains a non-exclusive, royalty-free license to use the work as part of the university’s course delivery system and disseminate the work or proceeds to students or the public.

6. Rights and Responsibilities

- a. University Rights: The university retains the right to use, reproduce, and distribute IP created within its scope for educational and promotional purposes and to market course materials outside the university.

- b. **Creator Rights:** Creators retain the right to be acknowledged and to use their IP for personal, professional, and academic purposes, subject to university policies and agreements.
- c. **Responsibilities:** Creators must disclose any IP created within the scope of their university-related activities, including potential patentable inventions, to the university in a timely manner.

7. Licensing and Commercialization

- a. **Licensing:** The university may license IP to third parties for commercialization while retaining a non-exclusive, royalty-free license to use and disseminate the work.
- b. **Commercial Ventures:** Creators wishing to commercialize their IP must disclose their intentions and seek prior approval from the university, ensuring agreements comply with university policies.
- c. **Pre-publication Review for Specific IP:** The university may require a pre-publication review for IP with significant commercial potential to align with commercialization goals, conducted in a timely manner to minimize delays.
- d. **Confidentiality Agreements:** The technology transfer office will advise on commercialization strategies, including potential joint ventures, and may require confidentiality agreements to protect sensitive information.
- e. **Export Control Considerations:** Research subject to export control regulations will be considered during the commercialization process to ensure compliance with applicable laws.

8. Removal of Difficulty

Kerala University of Health Sciences reserves the right to resolve difficulties in implementing the policy according to university norms.