



INTELLECTUAL PROPERTY RIGHTS POLICY

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Preamble

The Indian Council of Medical Research (ICMR) is the premier autonomous organization of the, Department of Health Research, Government of India, for the planning, promoting, co-ordinating and conducting biomedical research in India. The objectives of the ICMR are in consonance with the national health policy and aim towards improving the health of the people of India through biomedical research.

The ICMR (established in 1911) is one of the oldest medical research organizations in the world with a broad mandate to generate new knowledge through the conduct and support of biomedical research in all areas of biomedical research that would have a bearing on improving the health of Indian people. The Council carries out its mandate through its network of 32 permanent Institutes/ Centers and extramural research support system to investigators in various institutes and medical colleges in India, and active international collaboration. Over the past hundred years, scientists working within and with support from the Council have been carrying out high quality research to achieve the objectives. Any new information/data generated in the laboratory are immediately published for its widest dissemination and application for public good.

Of late, scientists of the Council are becoming increasingly conscious of the need and importance of protecting such new knowledge generated through appropriate IPR systems before publication. Such awareness has largely been triggered by changes like liberalization and globalization of economy and the encouraging participation of industry in the increasingly technology-driven medical research, and health care. In addition, the realization that in the present context, public-private partnerships could well be an important means of achieving the goal of providing affordable health care to the needy has reinforced the thinking that such joint ventures could help health care products reach the needy public more efficiently and quickly. For such partnerships to be viable and successful, it is essential that the Council has appropriate Intellectual Property Rights (IPR), technology transfer and licensing policies in place.

Mission

Major thrust and focus of the ICMR, New Delhi, is to work towards improving the health of the Indian people. The Council promotes biomedical research through its research

institutes/centres and also by sponsoring and supporting extramural research so that the various technologies developed could be transferred to the industries for commercialization thereby making them accessible to the society.

ICMR thus recognizes and supports new intellectual property development and technology transfer as integral components of its mission and asserts that the guiding principle governing the conduct of these activities shall be the prompt and efficient availability of the products developed indigenously for the service of its mission.

Policy

To meet its objectives of improving public health through research, the ICMR will pursue an active policy of ensuring the most rapid and efficient development of new medical technologies developed by its scientists through seeking IP rights in India and abroad. The Council, as an agency of the Indian government, will ensure that its basic mission will not be compromised by its efforts to commercialize new technologies. Further, where research and development is not necessary to realize the technology's primary use and future therapeutic, diagnostic or preventive uses, IP protection may not be sought and instead those technologies can be commercialized through non-patent licensing.

The Intellectual Property Rights Unit in the ICMR Headquarters Office will help and encourage scientists in their efforts to identify innovative component of their research and seek patent protection before publication, to commercially exploit all new knowledge generated with ICMR support. The IPR Unit would provide technical, legal and other support needed for IP protection, technology transfer, licensing and commercialization issues. Patents in the Indian Patent Trademark and Design Office and abroad will be also be filed as per the policy described herein.

Major objectives

- i. To make scientists aware of the need and responsibility to protect new knowledge generated through IP rights, ownership of biological and other materials and data generated using ICMR funds and facilities.
- ii. To develop procedures at ICMR institutions to capture, assess and protect new intellectual property generated.
- iii. To provide ICMR scientists information on demand relating to patents in their areas of interest by maintaining appropriate national and international databases.

- iv. To provide appropriate technological, professional and legal expertise and services to assist ICMR scientists to file patents in India and abroad.
- v. To encourage and provide all support to universities and other institutions for protecting and commercializing new knowledge generated with ICMR support.
- vi. To develop a licensing policy that ensures the maximal public health benefit and a fair return on investment from ICMR research.
- vii. To develop and implement a royalty policy at ICMR institutions that encourages innovative scientists and technology generators through a system of royalty sharing, and reward system.
- viii. To serve in an advisory capacity to the Indian government on IP related issues concerning public health.
- ix. To forge appropriate strategic alliances with national and international S&T agencies and industry to market its new inventions and develop professional knowledge networks for ICMR's technology management professionals.

Strategy

Some steps to achieve the objectives are as follows:

- i. Appropriate internal and external systems would be set up at various ICMR Institutes/Centres for the identification of new IP before publication.
- ii. Innovation-driven research would be encouraged through an IPR-friendly climate. Scientists would be made aware of need for prompt IP protection before public disclosure, through personal contacts, regular training workshops, seminars, etc.
- iii. Scientists are encouraged to identify innovative component of their research and seek patent protection in India and abroad before publication.
- iv. To help promote a sound IPR system, some basic and essential practices like record keeping, appropriate recording of data, maintenance of laboratory handbooks etc. will be encouraged at various ICMR Institutes.
- v. The renewal of all patents filed in India and abroad will be reviewed at the end of 10 years after filing. Only those patents, for which the innovators have shown continued interest as evident from improvement and/or addition over the reported novelty, will be considered for maintenance beyond 10 years.
- vi. Patents which have already been commercialized, however, will be maintained for the entire period of 20 year.

- vii. The IPR Unit would be engaged in regular monitoring of the Indian and global patent scenario to keep track on innovations of the world.
 - viii. The advice of experts would be sought for furthering the objectives.
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