



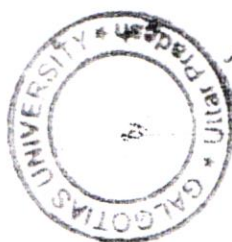
**GALGOTIAS
UNIVERSITY**

Uttar Pradesh

CREATING KNOWLEDGE

Consultancy Project Policy

2012 Onwards



Galgotias University

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1. INTRODUCTION

For Galgotias University (GU), it is important to be the fountainhead of new ideas and of innovators in technology and science and with its general goal of to create an ambience in which new ideas, research and scholarship flourish and from which the leaders and innovators of tomorrow emerge. In fulfillment of their points of importance, GU has taken the initiative to promote innovations and to facilitate protection of Intellectual property (I P) thus generated at GU. In this document the processes to support these efforts have been included. A formal Framework to guide the implementation of these processes is included in this document. Towards this goal an Intellectual property Policy for GU has been formulated. This policy aims to lay down the processes for promotion and support available to innovators at GU for translating their creative works into IP. Parties engaged in creation of original and innovative work at GU include faculty, staff and other employees of GU, including staff working on various projects, registered students of GU, students from other institutions, personnel from other organization or any other individuals working in GU. This policy also aims to set forth guidelines for ownership of IP developed at GU by GU personnel and non-GU personnel and its commercialization.

To administer the policies included in this document related to industrial, Research & Consultancy, and maintain the relevant documents, set up University Centre for Research & Development (UCRD) office with appropriate administrative and supporting staff. The aim is to sustain, and grow creativity in an ethical environment in GU Greater Noida that recognizes the importance of innovations and assists in translating them into products, processes and services for commercial exploitation, and to achieve the widest public good.

2. Consultancy Rules and Norms:

1. Scope of Consultancy Services offered

- Consultancy Services may be offered to industries, service sector, Govt, departments and other National and International agencies in niche areas of expertise available in the institute.
- The service offered shall be along the lines of 'Professional Services' and will hence carry with them obligation and ethical requirements associated with such services as indicated in the standard terms and conditions.
- Consultancy services offered may cover a variety of activities such as Feasibility Studies; Technology Assessments; Assessment of Designs and / or Current manufacturing Process: Material, Energy, Environmental and Manpower Audits: Product Design, Process Development, Software Development; General Troubleshooting, Retrofitting Exercises, Formulation development, Safety Audits, Stability Studies and Protocol developments and other mutually agreeable activities with industry & Galgotias University. Intensive efforts for transfer of highly focused skills and expertise to select groups in specific organizations, vision and strategy statement and so on.
- Testing & Evaluation services are to be normally offered in selected specialized areas. In order to meet the needs of certain Governmental and related agencies and special clients with long term association with the Institute) routine testing services may be offered.

- Standardization and Calibration services may be offered in areas in which facilities are available or can be augmented. Such services should normally be backed by periodic Calibration. Standardization of laboratory equipment used for such purpose.
- Jobs which are too complex to handle, by virtue of certain constraints inherent in any academic and research environment such as execution of certain types of work should not normally be taken up irrespective of the availability of expertise and perceived needs of the clients.
- All consultancy and related Jobs need to be structured and executed in the spirit of promoting GU-Industry Interactions, as a vehicle for augmenting (current) levels of excellence in teaching and research., for proper placement of GU graduates (PhDs/M.Tech) and in the process, generating funds.

2. Project Category

2.1 Each project shall be undertaken either under

- Standard Terms and Conditions, or
- Specific research agreement or Memorandum of Understanding describing the details of contract.

In the former case the work is taken up in good faith between the consultant and the client, the obligations and responsibilities of both parties being limited by the standard terms and conditions. The latter case refers to projects that usually involve non-disclosure agreements, detailed negotiations of contract terms and signing of contracts in the form of agreement or MOU covering various aspects such as deliverables, milestones, payment schedules, role and responsibilities of the parties, non-disclosure or confidential information, disputes resolution, Liability, IPR matters, arbitration and applicable law. These projects involve significant amount of effort and time associated with the negotiation and implementation of the research contract.

Consultancy and related services offered will be divided into two categories;

Category E: Expert Advice and Developmental Projects: -This type of project will be Expertise intensive or Intellectual type and based on the expertise of the Consultant (as defined in item 3)

Category T: Testing Projects: - This type of project will be Infrastructure intensive and will be based on extensive usage of the institute infrastructure

3. Eligibility for Undertaking Consultation

Consultancy and related assignments can be taken up by full time faculty and Research Scientists/Scholars of Departments /Centres/Schools.

Any other employee of the Institute may take up consultancy work with prior approval of the Vice Chancellor. All employees undertaking consultancy shall hereinafter be referred to as Consultant.

4. Conflict of Interest

Consultant shall disclose to the Dean (R&D) in writing and verbal, the existence of

a) any relationship between him / her and the client funding the consultancy project or any vendor to whom payments are made from the project funds, in the form of involvement of any immediate relatives or

b) any scope for potential disproportionate self-gain

Dean (R&D) will review such cases and decide appropriately, with the advice of a committee, to ensure that no actual conflict of interest exists and that such an involvement by, the consultant does not adversely affect the consultant's objectivity, integrity, or commitment to the Institute and to the profession. Consultants may, not use the Institute name or the fact that they are affiliated with the Institute, in a manner that

- I. Suggests that the Institute approves or disapproves of a product or service provided by a profit, non-profit or governmental entity or
- II. Suggests that the Institute has performed research or issued research findings when it has not done so, or misleadingly states the results of Institute research or
- III. may be interpreted to communicate the official position of the Institute on any issue of public interest.

5. General Consultancy Rules

Consultancy work taken up by Consultants is subject to the following limits:

5.1 The time spent on consultancy and related assignment shall be limited to the equivalent of 52 working days in a year, preferably at the rate of one working day, per week. In addition, Consultants may be permitted to utilize, on an average one non-working day per week. Any other exceptions in any will be approved by the Dean Research.

5.2 Consultancy assignments may be taken up and implemented, within the constraints indicated above. They do not have any adverse impact on the ongoing academic, research and related activities. Further, such assignments need to be carefully scheduled in the light of ongoing commitments. If required, a clear indication of the earliest date on which the assignment can commence may be clearly spelt out in the proposal form.

5.3 The services of permanent employees of the Institute may be utilized for the execution of the consultancy projects provided it does not of their primary functions and responsibilities to the Institute.

5.4 Students or Research scholars who are willing to work on consultancy projects may be permitted as per Institute norms to do so provided it does not affect their academic commitments and performance. Such work by students may be compensated by suitable honoraria or Certification.

6. Consultancy Rules Related to Travel

6.1 Travel out of the campus on account of consultancy activities should be undertaken with intimation to the head of the Department/ Centre/School. In case of heads of these entities, intimations should be sent to the Vice Chancellor.

6.2 Outstation travel on consultancy Assignments may be undertaken normally with the prior approval of the Head of the. Department / Centre / School, or, the Director (in the ease of Heads of Department /Centre / Schools). It is, however anticipated that such approvals will be given within two working days in order to ensure that prior commitment to clients are honoured. In emergencies, prior intimation and subsequent sanction could be considered acceptable.

7.Consultancy Rules:Consultancy Project Execution

Consultancy projects are normally initiated by requests/enquiries from the industry directly to the Institute or by discussion between the industry and the Consultants.

- When the enquiry is directly received by the institute, the work will be assigned to specific consultants or groups of consultants depending on their expertise, and existing commitments by the Dean R&D.
- In the event of a client preferring the services of a specific consultant, the assignment may normally be assigned to the identified person, provided the requirements in respect of 5.1 and 5.2 are satisfied.
- All acceptance letters will be sent by the Dean (R&D).
- Consultancy project proposals (prepared in response to a client's request) are to be approved by the Dean (R&D) who may examine the scope of the work-and cost estimates, it is essential to discuss proposed work plans with a client vis-a-vis the ape in order to obtain clarity before the consultant prepares the cost estimates.
- In extreme emergencies, a consultant may take up an assignment with intimation to the Dean (R&D) and then seek approval. It would, however, be necessary to ensure that the task involved is not a major one- entailing total charges not more than Rs. 50,000/- or two days of faculty time and Payments are made immediately, well before submission of any formal report.
- The charges, once finalized, will not be negotiable, however, if the scope is altered, a fresh estimate may be considered.
- The minimum charges applicable in respect of consultancy jobs will be Rs. 10,000 excluding any applicable tax. In exceptional cases, permission will be sought from Vice Chancellor.
- It is desirable that Preliminary Diagnostic Discussions/Site Visits, leading to the generation of consultancy proposals may be charged at a minimum rate of Rs. 5000- per day or part thereof, in addition to travel and incidental expenses as applicable. As an industry friendly move, the consultant may decide to absorb such charges for potentially large projects, into the final project cost.

- Consultant should be aware of the potential for the generation of Intellectual Property during the execution of projects. The Intellectual Property Policy will govern all decision and actions concerning the generation, handling, protection and commercialization of the Intellectual Property.
- The services of external consultants (especially retired Faculty/Research Scientists/ Research Scholars) may be utilized to a limited extent in order to provide comprehensive service to clients. Such external consultants which may include will be entitled to a lump sum consultant fees which may be fixed after taking into account essential expenditure directly related to the assignment. Normal deductions by way of Institutional charges and mandatory taxes will, however, be made. The consultant fees payable to External Consultants may not, normally exceed 40% of the total project cost. Exception to above will be allowed only with the permission of the Dean (R&D) or Vice Chancellor.

8. Consultancy Rules: Related to Payment schedule

- The charges for any assignment are normally payable in advance. However, exceptions may be made in respect of assignments involving charges exceeding Rs. 1,00,000 and with Implementation periods exceeding 3 months.
- In the case of Large assignments, a payment schedule linked to milestones can be worked out, Such a payment schedule should ensure that
 1. the advance payment is received for every segment of work.
 2. the number of instalments is reasonable and consistent with case of implementation. The number of instalments may not exceed four for a project implemented over a Two-year period, and, this number needs to be sealed down accordingly for shorter duration projects.
 3. Exception to above will be allowed only with the permission of the Dean (R&D) or Vice Chancellor.

9. Costing of Consultancy Projects:

The consultancy projects costing is based on the following component charges:

- **Consultant Fees:** This will include charges for the time of the Institute and External Consultants. The CF is limited to 20% of the project cost for Category T (testing project) jobs.
- **Charges for Personnel engaged in Technical Services:** This refers to the charges payable to the permanent employees of the Institute for their effort in the execution of the project. The figure is limited to 30% of the project cost for Category T (testing projects) jobs.
- **Project Staff Salaries:** This refers to the salaries payable to temporary staff employed significantly for the project. The project shall also provide for 30% of PSS as House Rent Allowance.
- **Operational Expenses:** These include expenses incurred on consumables, contingencies, travel and daily allowance, honoraria for students and all other expenses; related to the consultancy project. These also include Equipment Utilization Charges for the usage of institute equipment for all consultancy projects, which will be transferred to the respective Departmental Development Fund or university whichever is applicable,

- **Overheads:** Overheads will be charged as per case to case basis.
- **Capital Equipment:** This will include charges for the purchase of specific equipment for implementation of consultancy projects. No overheads are charged on this.
- Contract Negotiation/Legal Expenses may be levied for projects involving contract negotiations.
- Service tax and other taxes as applicable shall be provided for in the project cost. Exception to above will be allowed only with the permission of the Vice Chancellor.

10. Research Development Fund

To facilitate consultants close accounts of all concluded projects and at the same time enable them to provide for funds to support their ongoing research, equipment maintenance, laboratory development etc., all unspent balances in closed projects (Category E; Intellectual and Testing), after deduction of overheads will be transferred to Galgotias University for Research activities as fund.

11. Distribution of Institute Share

Minimum 20% of the total consultancy cost will be the Galgotias University as Institute share. Exceptions to the above will be taken case to case basis.

12. Review and other Related Matter of Consultancy Projects

It is essential to provide an effective framework to ensure smooth implementation of consultancy Projects in the context of Educational, R&D and related activities. Also, UCRD should be in possession of basic information to respect of consultancy activities to meet Various proactive as well as reactive needs. To meet these requirements, the implementation needs to be within the framework given below:

- Proposals for large sized consultancy assignments may be reviewed by a small standing committee, comprising a segment of the UCRD Advisory Committee.
- A short report on every consultancy project, upon completion shall be submitted to the Dean (R&D) by the Consultant. The reports shall be preserved as 'Classified Documents' for a period of typically five years, to be destroyed thereafter.

13. Other Matters

- Earnings for Technology transfer. Revenue Sharing and Royalty will be governed by the Intellectual Properties of the Institute.
- Notwithstanding the above, and keeping in mind the best interests of the Institute, consultants may be taken up in exceptional cases, not covered by the above rules, with prior approval of the Vice Chancellor.

14. Summary of Rules

The salient features of rules are as given below:

- Each project shall be undertaken either under standard terms and conditions or under some special cases, specific research agreement or Memorandum of Understanding describing the details of contract,
- Categories of consultancy projects are reduced to two as those taken up under Expertise Intensive Category E (Consultancy) and Infrastructure Intensive Category T (Testing) Projects.
- Removal in the slabs of earnings of consultants for deduction of institute share, One rate of deduction of Institute share at 20% only.
- A revision in the distribution of Institute earnings from overheads and deductions
- Introduction of an open-ended Research Development Fund (RDF) to support operational expenses of ongoing research.
- Provision for service and other taxes as applicable.
- Formulation of a comprehensive intellectual Property Policy for the institute.
- Inclusion of standard terms and conditions for consultancy projects not governed by agreements.
- An explicit statement on conflict of interest included.

3. FINANCIAL INITIATIVE TO WOMEN FACULTY (CORRIGENDUM)

To encourage Industrial Consultancy activities amongst the women faculty members/researchers of Galgotias University, in case of intellectual category- (Category E: Expert Advice and Development Projects and Category T; Testing Projects, the University share will be 10%) the University's share for Consultant's earnings i.e. 10% of project cost, shall be waived off and be treated as Financial incentive to women faculty.

Whereas for, All the documents related to Industrial consultancy, activities will be routed through the office of Dean Research.

4. INTELLECTUAL PROPERTY RIGHT (IPR) POLICY GALGOTIAS UNIVERSITY, GREATER NOIDA

Preamble

In the present scenario, where intellectual property rights and their awareness is being increasingly linked to innovation and creativity, the University wishes to adopt the following IPR Policy to encourage the spirit of innovation amongst its staff and students. The policy covers industrial property viz. patents, designs, copyright, trademarks, besides, addressing issues relating to sponsored projects/ setting up of ventures by staff and students.

Clause 1

- All Students and Staff of the university are free to seek protection for their ideas either in individual capacity or generated as part of research output of their projects in form of patents, industrial designs & copyrights.
- University will provide due support to students/staff in the form of professional assistance and bear all expenses for the same for filing in India.

- Contact point will be In-Charge of IPR Cell of the University, who will frame the modalities for innovation/idea capturing, liaison with attorneys and experts for filings., maintain records, facilitate licencing, royalty collections, disbursements to innovators and also carry out other miscellaneous activity.

Clause 2

- All Students and Staff of the University are free to publish books, write journal articles and submit them to publishers/journals or other sources for publications, as per university conduct rules.
- Copyright for thesis will be retained jointly by the student and the guide. Copyright for all data/ photographs/ figures and textual matter and tables used in the thesis shall also belong, jointly to the student and the guide. University will retain publicity rights.
- Copyright for all publications and articles by the students and staff shall belong to them and they are free to retain whatever royalties they receive for such publications.
- Copyright for any software/program developed by the students/faculty/staff shall belong to them and they are free to file copyright for same, at their own expense and retain royalties if any, from the same. One royalty free copy of the software/program will be provided to the University for academic purposes only. University will retain publicity rights.

Clause 3

- For Patents/Design registration filings outside India either under worldwide treaties eg. the Patent Co-operation Treaty or directly in USA, Europe or other countries, decision will be taken by the University on case to case basis, subject to evaluation of licensing potential, financial inputs needed and also availability of funds.
- University may in due course create a separate fund either from its own resources or external grants, to facilitate and fund international filings also without any burden on innovators, University will retain publicity rights.

Clause 4

- All applications relating to Patents/Design registration will be filed in name of Innovator indicating affiliation, address of Galgotias University, University will retain publicity rights.
- Full Commercial rights will belong to the innovators.
- Innovators enjoy full freedom to license out the inventions to others or use them to develop products by setting up their own ventures.

Clause 5

- In case a patent design registration is being filed by more than one person, then at the time of signing. MOU, innovators in advance, must mutually decide the revenue pattern sharing arrangement between them and make a written agreement. This is to avoid conflicts between the innovators, in the event of licensing.

- This sharing agreement will be duly, reflected in the MOU signed between the University and the innovators and signed document approving the sharing, will be a part of the MOU, as an annexure.

Clause 6

For granted Patents/Designs which are not licensed out or commercialized within five years from date of filing, University may at its discretion decide to abandon the same or ask innovators to bear further expenses on maintenance if inventors(s) want the same to be maintained.

Clause 7

- University allows innovators (staff and students) to set up their own Companies/Ventures around the innovations to encourage entrepreneurship.
- Working staff of University can be a promoter/non-working partner in a venture- by investing funds but not work full time (parttime working allowed, without affecting ongoing research academic load).
- Students are allowed to set up their own ventures but only, part time working is allowed, so that conflicts with ongoing academic programs e.g. attendance in classes, practical and examinations, are avoided.

Clause 8

- All intellectual property rights (Patents/Copyright/Designs and Trademarks) relating to sponsored projects from Industry/Individuals will belong to the sponsor.
- Name of students/faculty who worked on the project, against charges duly paid to University, may be included in any Publications/Patents/Copyright/Design Applications but all commercial rights shall belong exclusively to the sponsor.

Clause 9

- All products based on inventions carried out at Galgotias University will duly bear the Logo and Name of the University, as per the brand guidelines provided to the licensee, by the University.
- Use of logo/name of the University on any product, promotional materials/website of any start-up venture of students/staff of University, without permission of University is strictly prohibited. Violations will be dealt with in accordance with the prevailing laws as applicable.

Clause 10

Amendments to this policy, if any shall be prospective and not affect the agreements already signed.