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Challenges Faced in Commercialization of Patents by Universities in Tamil Nadu

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ABSTRACT

This paper focuses on the Patent commercialization and challenges faced by Universities in Tamil Nadu in commercializing a Patent. Though the awareness about Patent filings and the importance of the same is being known to the Universities, there still remain a lacuna in monetizing a Patent. This study aims to make a basic analysis of the underlining factors that hinder the process of Patent commercialization in the Universities in Tamil Nadu. These results are to understand the need for Patent Commercialization. The following factors are assessed and taken note of: Assessing the necessity, Identifying the actual requirements, Factors of challenges, and Leveraging hierarchical Structures. Without accessing these main elements, your role in successful commercialization won't be successful.

Keywords: Patent Commercialization, Challenges in Patent Commercialization, Model for Patent Commercialization, Success model for Patent Commercialization, Universities, Tamil Nadu, Universities and Patent Commercialization, Tamil Nadu Universities.

I. INTRODUCTION

COMMERCIALIZATION (PATENT BROKERS)

The meaning of Commercialization as per Collins Dictionary is Commercialise³ (verb)

1. To make a commercial in aim, methods, or character
2. To exploit for profit, especially at the expense of quality.
3. The word commercialization when read with the term Patents, refer to the Commercialization of the Patent; it may be a process or a product associated with the Patent.

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³ <https://www.collinsdictionary.com>, URL: <https://www.collinsdictionary.com/dictionary/english/commercialize>. page last visited on 04.08.2022

II. UNDERSTANDING THE VALUE OF PATENT COMMERCIALIZATION

Patent

As per the Indian Patents Act, 1970, a Patent is defined in Section 2(1)(m) as “means a patent for any invention granted under this Act.”⁴

Invention

As per the Indian Patents Act, 1970, a Patent is defined in Section 2(1)(j) as “means a new product or process involving an inventive step and capable of industrial application”⁵.”

Why Commercialization

The underlining idea of commercialization is to earn monetary gain against the investments made in filing and prosecuting the Patent application. Though the idea of Patent filing in India has grown significantly over the years, still 80% of the sector remains unaware of the entire procedure involved and the value associated with it.

In this paper, I would like to analyse the knowledge of Tamilnadu Universities in Patent Commercialization.

The University rankings carried out by various organization consider Patents as one of the categories for gaining points in valuation. For example, the ranking organisation NIRF(National Institutional Ranking Framework) and NAAC (National Accreditation Council) consider and grants up to 24 points to an institution which sets up an innovation ecosystem and has a facility for identifying and promoting IPRs.

Marketplace

The meaning of Commercialization as per Collins Dictionary⁶

The marketplace refers to the activity of buying and selling products

1. Why Patent commercialization in Universities / HEI is gaining significance
2. Central Govt Schemes – for universities
3. Start up collaboration programs at the University level
4. Patent Portfolios maintained by universities

⁴ Bare Act 2022, Professionals, The Patents Act, 1970, Page No.6, Professional Book Publishers 2022.

⁵ Bare Act 2022, Professionals, The Patents Act, 1970, Page No.6, Professional Book Publishers 2022

⁶ (<https://www.collinsdictionary.com>,URL:<https://www.collinsdictionary.com/dictionary/english/marketplace>), page last visited on 04.08.2022

5. Patent Portfolios being used in R & D of the Universities
6. Patent Portfolios being used as a business tool for market place

III. UNIVERSITIES & INDUSTRIAL COLLABORATIONS

This is one of the important collaborations in commercialization of Patents. The Universities being as the primary source of knowledge creators, and the Industry is a business executor. They can act as a solution provider for economic, social and technological advancement. The commercialization of Patents and related IP can be achieved by means of implementing the right innovative system, institutional collaboration, efficient implementation of research & collaborative policies and knowledge experts to facilitate the said process. This will eventually lead to the transformation of knowledge-driven processes to the products and services that are required for Industrial needs.

The biggest challenge faced by the universities in collaborating with the Industry is that their lack of awareness in the market trend. Though the Universities invest handsome in research and development when it comes to the deliverables to the market they are completely unaware of the market trends and their needs. The hierarchical process involved in universities has further delay the process of decision making when it comes to commercialization. The university prime focus being teaching, research, service and development less importance is being given to the industrial related activities.

IV. UNIVERSITIES & THE PROBLEM IN INDUSTRIAL NEGOTIATION

The University and Industrial Collaboration can be seen frequently in India. There are many third party sponsored projects and R & D are being done as per the agreed terms and conditions between the parties in collaboration. There are many cases in which University and the Industry file Joint Patents, the biggest problem faced by this kind of collaboration is the negotiations. When it comes to negotiations and marketplace deal it is the Industry who is always on the upper hand than the University as their major focus is on R & D, whereas the Industry aims at the marketplace. Hence, the concept of commercialization is always a challenging task for the University and many even of them does not even want to try on this.

On the other hand, for the Project being done exclusively by the Universities there are lot of opportunities for monetar gain. All that the Universities needs to do is that strategically planning to commercialize the said product or the process. In order to achieve the same each University should have a dedicated Intellectual Property Rights Cell (IPR Cell) to channelize all the activities related to filing of Patents and other IP rights. The IPR cell should be guided by the

team of expert members who has good Techno and Legal knowledge in handling the Patents and its commercialization. Though the number of Patents being filed by the Universities are being increased swiftly there is no significant increase in the Commercialization of the Patents.

V. SUCCESS MODEL FOR COMMERCIALIZATION BY UNIVERSITIES AND THE WAY FORWARD

There are few Universities which focuses equally on the teaching, research, service, development and Industrial collaboration which in turn has yielded good results for commercialization. For example Indian Institute of Technology:-

A) IIT, MADRAS MODEL (IITM)

Madras (IITM) has success stories in collaborating with the Industrial partners. IITM has even filed joint patents and commercialization of some of the lead technologies⁷

1. IITM and Tata Consultancy Services (TCS) have done joint projects on Data Protection Reduction, Energy Consumption in High-Rise Buildings, and Smart Water networks and have generated ten patents by way of the said collaboration.
2. IITM's partnership with Titan Industries Innovative Hub on material characterization and coating has generated five patents.
3. IITM partnered with Shri Amm Murugappa Chettiar Research Center (MCRC), Taramani and Parrys Agro Industries Ltd, Chennai for a commercial project, this is one of the Trilateral collaborations entered by IITM⁸.

Apart from the above the IITM focuses significantly on the technology transfer, licensing and Industrial collaboration and sponsored research joint projects to fulfil Industrial needs. IITM is one of the leading institution in India to file a large number of Patents in India and abroad. The working model of IITM is different from that of the other institution. IITM has set up a separate research park to cater for the needs of research development and to work jointly with Industrial collaborations.

IITM Research Park's highlights

- a) Has seventy plus (70+) R & D partners across 17 sectors,
- b) Supports 200 plus (200+) Startups Incubated across 13 sectors

⁷ <https://respark.iitm.ac.in>, URL: <https://respark.iitm.ac.in/success-stories/#titan>, Webpage visited last on 07.08.2022

⁸ <https://cpr.puchd.ac.in>, URL:<https://cpr.puchd.ac.in/wp-content/uploads/2021/01/Commercialization-of-Patents-Granted-to-HEIs-and-NRLs-of-India.pdf>, page last visited on 07.08.2022

- c) Has 200 plus(200+) Labs & Test Facilities
- d) Has filed thousand three hundred plus (1300 +) Patents

B) TAMIL NADU AGRICULTURAL UNIVERSITY (TNAU)

TNAU is one of the oldest universities pioneering in Agricultural research for many decades. It has established an Agricultural college and research institute, Killikulam to focus on research and development activities, which include technology transfers and commercialization activities with the Industrial leads. The following are a few of such collaborations:-

a) TNAU signed MOU with M/s. Nutricon Animal Health cares at Kancheepuram, Tamilnadu to commercialize TNAU's Master Trap, A Multipurpose Device for Insects and Rodents bearing Patent No. 201482⁹.

b) TNAU has developed many viable group technologies and products. One such recent commercialization pertains to "A device to remove insect egg from pulse seeds" Patent bearing no. 19834¹⁰.

c) TNAU has also commercialized Preparation of "Ready to cook mix and food from pearl millet" – both technology and machine (Patent applied¹¹)

d) TNAU also has done technology transfer of JK AgriGenetics obtained cry2AX1 gene under a license for transgenic rice development. And Transfer of IP rights to M/s Bioseed for cry2ai-based product development¹².

VI. THE FINDINGS

Though the number of Universities run by the Government and private sectors are large in Tamil Nadu, very few have adopted a successful model to realise Commercialization of Patents. The studies also show that most of the Universities focus much on research and development activities for the purpose of gaining the spotlight in terms of ranking. The research further shows that 90% of Universities end up filing Patents for the purpose of gaining academic attention rather than actual technology transfer and commercialization. Though the Central and State govt have announced various schemes for increasing the number of patents being filed by the universities, the awareness about technology transfer and commercialization for Industrial

⁹ Website: <https://tnau.ac.in>, URL- <https://tnau.ac.in/college-acri-killikulam/research-collaborations/>, page last visited on 07.08.2022

¹⁰ <https://agritech.tnau.ac.in>, URL- https://agritech.tnau.ac.in/patents/patents_patents.html, Webpage last visited on 07.08.2022

¹¹ <https://agritech.tnau.ac.in>, URL- https://agritech.tnau.ac.in/patents/patents_patents.html, Webpage last visited on 07.08.2022.

¹² <https://tnau.ac.in>, URL: <https://tnau.ac.in/directorates-crop-management/research-collaborations/>, Webpage last visited on 07.08.2022

needs still remains the biggest challenge for most of the Universities. The only way out of this is that the Universities needs to increase their capacity building in Patents to cater the need of the Industry.
