

## **GBRC Technology Transfer Policy**

Government of Gujarat  
Science and Technology Department  
**GR No: DST/ORM/e-file/24/2024/0218/BT**  
Sachivalaya, Gandhinagar  
Date: 29<sup>th</sup> June, 2024

### **Read:**

Department of Biotechnology, Government of India, New Delhi Office  
Memorandum No. PID-141011/1/2022-MED-DBT dated 6<sup>th</sup> September, 2023  
about DBT Intellectual Property Guidelines, 2023

### **Preamble**

#### **Introduction:**

Gujarat's biotechnology ecosystem thrives on a robust infrastructure supported by key institutions, contributing significantly to the state's scientific and industrial progress. The Gujarat Biotechnology Research Centre (GBRC) plays a pivotal role in fostering cutting-edge research and development in biotechnology. It serves as a hub for interdisciplinary collaboration and innovation. Gujarat Biotechnology University (GBU) further enhances the ecosystem by providing world-class education and training, producing skilled professionals for the industry. The Gujarat State Biotechnology Mission (GSBTM) acts as a catalyst, facilitating partnerships between academia, government, and industry to promote biotechnological advancements. Adding to the vibrancy is the Savli Technology Business Incubator (STBI), a critical component supporting start-ups and entrepreneurs in their early stages, providing necessary infrastructure, mentorship, and resources. Together, these entities form a dynamic biotechnology ecosystem, positioning Gujarat as a key player in the rapidly evolving field of biotechnology.

GBRC was formulated in 2017 with a mandate of solving societal issues of the state through translational research. GBRC being public funded institute every effort should be made to disseminate knowledge generated out of research conducted in GBRC may it be in the form of reputed peer reviewed publication or development of a process or product for deployment on a scale through IP protection and transfer. The mandate of the institute is to undertake research leading to product, process, and prototype.

## **Background:**

With a mandate of translational research, GBRC is undertaking various research projects with support from various International, National and State agencies. Moreover, Department of Science and Technology, Government of Gujarat is also funding GBRC on state priority area. Over a period of time through this research, several technologies are developed which can be deployed through appropriate technology transfer process. Meanwhile Department of Biotechnology, Government of India has released IP Guidelines 2023 and after careful consideration and approval of competent authority, Department of Science and Technology, Government of Gujarat is adopting DBT IP Transfer Guidelines with following modifications.

## **Resolution**

After careful consideration **GBRC Technology Transfer Policy** is finalised as follows.

## **Reference Guidelines for Deciding on the IP Commercialization:**

As elaborated in DBT IP Transfer Guidelines, every effort should be made by the institutes funded through public support to disseminate knowledge arising out of their research to the society for achieving public good. It could be in the form of peer-reviewed publication and development of a process or product for deployment on a scale through IP protection and transfer. The appropriate approach must be decided by the host institutions depending on the findings of the research work whether it has novelty, inventiveness and applicability or is deciphering of new concepts, understanding and theoretical frameworks. These guidelines have been adopted to enable seamless transfer of IP at academic institutes/research laboratories towards commercialization into technologies/products for larger societal impact. IP arising out of public-funded research is a huge asset and must be appropriately harnessed for maximizing socio-economic impact and achieving public good. The IP licencing/assignments would be done on case-to-case basis following the following reference guidelines. IP piling up for long periods without transfer or licensing should be avoided. The means and modes of IP transfer should be decided by the scientists based on their Institutional committees with external expert members. A suitable committee comprising of external experts, including from the scientific, legal, finance and other relevant fields may advise the Director/Head of institute. The committee may review IP filing, granted status, as well their transfer or licensing.

Following are broad principles that may be considered in deciding on IP commercialization.

### **1. Non-Exclusive Licensing**

- For research leads in higher TRLs, (TRL-6 and above), non-exclusive licensing may be the preferred modality with licensing fees decided on a case-to-case basis.
- Competition to be encouraged so as to bring out high-quality, affordable products in the market.
- Timelines on commercialization should be clearly defined in licensing agreements.
- Preference to Biotech SMEs and for manufacturing in India.

### **2. Exclusive Licensing**

- For research leads in lower TRLs (TRL-5 and below), exclusive licensing may be considered.
- Public interest should be protected with clauses on availability of the final product in Indian markets at affordable rates, especially for products with potential for mass deployment.
- Timelines on commercialization should be clearly defined in licensing agreement.
- Preference to Biotech SMEs and manufacturing in India.
- Preferred purchase arrangements for start-ups for products developed under Government funded programs.
- A standard licensing agreement framework may be developed by the public institution that would ensure a share of the revenue (1-2% of the revenue) earned by the licensee to be given to the partnering public institutions for a limited timeframe.
- The license shall be subject to the irrevocable, royalty-free right of the Government of the India to practice or to require the licensee to grant sublicenses to responsible applicants, on reasonable terms, when necessary to fulfil health or safety or security needs of the country.

### **3. IP Assignment**

IP assignments for IP arising from publicly funded research to be considered preferably for spinouts and start-ups that contributed to the IP generation, with a clause on commercialization timelines.

- Timelines on commercialization should be clearly defined in licensing agreement.
- Public interests should be protected with clauses on availability of the final product in Indian markets at affordable rates, especially for products with potential for mass deployment.
- Preference to spin-outs or start-ups that contributed to the IP generation, or creation of techno start-ups in India using the assigned technology.
- The license shall be subject to the irrevocable, royalty-free right of the Government of the India to practice or to require the licensee to grant sublicenses to responsible applicants, on reasonable terms, when necessary to fulfil health, safety or security needs of the country.

#### **4. Licencing Categories**

The licensing terms typically depend upon the nature and potential use and are discussed and defined by the licensor and licensee, mutually. However, in practice, only a few terms are commonly observed, with or without royalty and/or conditional (for a defined product/domain/period)/unconditional use. These may be as given below

- A non-exclusive, royalty-free license for any internal research and development purposes
- A non-exclusive, royalty-free license without the right to grant sublicenses
- A non-exclusive, royalty-bearing license with the right to grant sublicenses
- An exclusive, royalty-bearing license to use IP for conditional use (for a defined product/domain/period) with the right of sublicensing
- An exclusive, royalty-bearing license with the right of sublicensing
- An exclusive, royalty-free license with the right of sublicensing

#### **5. The Mechanism of Technology Transfer**

1. The means and modes of IP transfer should be decided by the institute based on recommendations of their Institutional Technology Transfer Committee with external expert members.
2. The committee may review IP filing, granted status, as well their transfer or licensing.
3. IP piling up for long periods without transfer or licensing should be avoided.
4. For any technology developed within GBRC through GoG grant, Expression of Interest (EoI) will have to be invited from the interested parties.

5. Investigator has to provide details regarding innovation strength including novelty, market potential of the IP generated to the Technology Transfer Committee to arrive at its potential and value for commercialisation.
6. The applicants should provide details including their financial strength, approach for commercialisations and relevant experience/commitment for taking the technology forward.
7. GBRC Technology Transfer Committee will follow the broad principles that may be considered in deciding on IP commercialization modalities which are mentioned in above paragraphs.
8. The Committee will evaluate the EoIs and after due diligence will recommend the suitable decision including type of licensing as per licensing categories to Executive Committee of GBRC for final approval.
9. Upon approval of the Executive Committee, GBRC will undertake necessary steps to ensure smooth implementation of the decisions for technology transfer.

## 6. Composition of the Technology Transfer Committee of GBRC

<b>Designation</b>	<b>Representative</b>
Chairman	Director, GBRC
External expert scientific	Relevant expert from Biotechnology field e.g.IIT, Gandhinagar or Representative of STBI and/or Start-up incubator. Any two members based on type of the invention and area of expertise and availability.
External legal expert	Faculty from GNLU
External finance expert	Financial Adviser, Science and Technology Department, Govt. of Gujarat.
External expert other relevant fields	Expert in Business Administration or Representatives from GoI Companies or Research or Institutes or Faculty from IIM. Any two members based on type of the invention and area of expertise and availability.
Internal member	Inventor of the host institute
Member Secretary	Joint Director, GBRC

## 7. Interpretation

This guideline is adopted from DBT Intellectual Property Guidelines 2023 and for any clarification/ interpretation DBT Intellectual Property guidelines 2023 may be referred to. Any interpretation or clarification under the policy will be decided by the Department of Science and Technology and decision thereof would be final and binding to all.

This is issued with the concurrence of Finance Department and General Administration Department vide its note dated 16/03/2024 and 21/03/2024 respectively and approval of the Government vide its note dated 15/06/2024 on this department's file of even number.

By order and in the name of the Governor of Gujarat,

**(Subodh Joshi)**

Deputy Secretary to the Government of Gujarat  
Science and Technology Department

To,

1. Principal Secretary to Hon'ble Governor, Rajbhavan, Gandhinagar. \*
2. Chief Principal Secretary to Hon'ble Chief Minister, Government of Gujarat, Swarnim Sankul, Sachivalaya, Gandhinagar.
3. Personal Secretary to Hon'ble Ministers, Government of Gujarat, Swarnim Sankul-1, Sachivalaya, Gandhinagar.
4. Personal Secretary to Hon'ble Ministers of states, Government of Gujarat, Swarnim Sankul-2, Sachivalaya, Gandhinagar.
5. Registrar, Hon'ble Gujarat High Court, Sola, Ahmedabad
6. Principal Personal Secretary to Chief Secretary, Government of Gujarat, Sachivalaya, Gandhinagar.
7. Secretary, Gujarat Vigilance Commission, Gandhinagar \*
8. Secretary, Gujarat Legislature Secretariat, Gandhinagar \*
9. Secretary, Gujarat Civil Service Tribunal, Gandhinagar \*
10. Secretary, All Administrative Departments, Government of Gujarat, Sachivalaya, Gandhinagar
11. Personal Secretary to Principal Secretary, Science and Technology Department, Government of Gujarat, Sachivalaya, Gandhinagar.

12. All Institutions / Organizations / Societies under Science and Technology Department, Government of Gujarat
  13. Account General (A&E) Gujarat, Post Box No. 2201, Rajkot
  14. Account General (A&E) Gujarat, Ahmedabad Branch, Ahmedabad
  15. Account General (Audit-1) Gujarat, MS Building, Ahmedabad
  16. Director, Account & Treasuries, Gujarat State, Gandhinagar
  17. Pay & Account Offices, Ahmedabad/Gandhinagar
  18. Resident Audit Officer, Ahmedabad/Gandhinagar
  19. System Manager, Science and Technology Department, Government of Gujarat Sachivalaya Gandhinagar. (To Publish on Department's Website)
  20. Select File
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\* By letter.

*(Copy of this Resolution can be downloaded from URL:  
<https://dst.gujarat.gov.in>)*