

# DRDO POLICY FOR USE OF PATENTS BY INDIAN INDUSTRY



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Defence Research & Development Organisation

# DRDO POLICY FOR USE OF PATENTS BY INDIAN INDUSTRY

## 1. Introduction:

- 1.1 DRDO with its strong R&D culture and excellent technical expertise leads many innovations in different domains of science & technology. DRDO believes that a robust IPR culture inter-woven into R&D efforts of its scientific/technical work force, is a pre-requisite for realizing its mission to provide state-of-the-art sensors, weapons, platforms and allied equipment for Defence Services. A strong focus on creativity, innovation and IP generation has been one of the corner stones of its required policy for maintaining technological competitiveness and leadership.
- 1.2 The current IP landscape of the country is characterised by a certain level of disconnect between creators of IP and potential users of IP and this unique policy initiative is aimed at providing a platform for DRDO innovator community and Indian industry for synergizing their activities. The availability of DRDO developed patents to Indian industry at zero cost provides an opportunity to Indian industry for enhancing their capabilities and climbing up in supply chain. This will also strengthen and deepen the bond between scientific community of DRDO and Indian industry leading to cross fertilisation of ideas, entrepreneurship and IP driven products.

## 2. Objective:

To provide boost to Indian industries in general, and to defence industries, in particular, through free access to Indian patents held by DRDO.

## 3. Scope of Policy:

The Policy will cover all the Indian patents granted to DRDO. The list of granted Indian patents of DRDO shall be displayed on the web site of DRDO.

## 4. License Fee and Royalty

The license for the use of patent shall be granted on zero license fees as well as zero royalty payment.

## 5. Methodology

### 5.1 Application for License

The interested applicant shall be required to submit an application in prescribed format for the license to use a particular Indian patent granted to DRDO along with non-refundable processing fee of Rs 1000/ and details pertaining to their background including financial/technical capabilities. Separate applications shall be required to be submitted for each patent.

### 5.2 Eligibility Criteria

The applicant for the license should be an Indian Public/Private company including Startup, MSME incorporated in India as per applicable Indian laws and regulations. The applicant should have the necessary capacity to absorb the patent protected technology, manufacturing capability as well as robust quality control mechanism. Applicant industry/agency, if blacklisted/banned by any government Department shall not qualify for the license.

### 5.3 License Agreement

Once an application for a license meets the eligibility criteria, a non-exclusive license shall be granted under a license agreement. The license shall be renewed free of cost subject to compliance of license agreement.

### 5.4 Submission of Commercial Working Statement

The licensee shall be required to submit commercial working of licensed patent on annual basis to enable DRDO in submitting the same information with the Office of the Controller General of Patents, Designs & Trade Marks, as mandated by Indian patent laws and rules.

## 6. Rights & Responsibilities

- 6.1 DRDO shall provide merely access of DRDO granted patents for use, sale and manufacture in India by the licensee and it shall not be responsible for the commercial workability/viability of its licensed patents. DRDO shall not be responsible for any product liability losses, costs, damages, injury or any other consequences arising out of use, manufacture or sale of products/processes covered under the licensed patent.
- 6.2 The license for the patent shall be given on non-exclusive basis with DRDO retaining ownership rights including unfettered rights to license the licensed patents to additional parties. The title to and ownership of the licensed patents and the products/processes covered under them including variants shall rest exclusively with DRDO.