

**SIDDHAST Individual Intellectual Industry Partner
Program**

An Expert Consultancy Service

icubepartner

Guidelines to **icubepartner**

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These guidelines have been written for researchers, Individual Consultants, Faculty of Universities and Engineering Colleges, in India. To guide through the consulting and services procedure and describe how SIDDHAST will allow you to spend less time on paperwork while protecting your interests.

I welcome any comments you have on how these guidelines could be made more helpful.

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INTRODUCTION TO SIDDHAST

SIDDHAST provides researchers with commercial advice on copyright of their research papers, patent applications, identifies and manages consultancy opportunities. SIDDHAST works on projects from all areas of research activities: life sciences, physical sciences, social sciences and humanities.

What is icubepartner?

Individual Intellectual Industry Partnership (icubepartner) is a unique model for industry to access the expert knowledge of individual researchers, professors and departmental services within the R & D Institutes, Universities. icubepartner is part of SIDDHAST, providing a professional service dedicated to finding cost effective solutions to consultancy needs. Areas of expertise include problem solving, data analysis, software management expert evaluation, due diligence, management and business development, Intellectual Property.

icubepartner is a Brand of SIDDHAST through which it market consultancy, technology and service expertise of individual researchers & professionals of Indian universities, technology institutes, research and development centers.

WHERE DOES Siddhast icubepartner program FIT IN?

Siddhast icubepartner program help expert consultant to find and manage opportunities for consulting and services. Specifically, SIDDHAST helps individual consultants, researchers, lawyers and professionals in these areas:

- Marketing icubepartners as a resource for consultancy and service
- Negotiating better rates and terms than could be obtained by individuals
- Protecting researchers and departments from the liabilities of such work
- Reducing the paperwork surrounding consulting and service work

Researchers are under no obligation to use SIDDHAST to assist in their consulting and services activities and using SIDDHAST does not replace seeking the necessary approvals under the University's statutes and guidelines. However, managing consulting activity is a time-consuming activity and individuals can be exposed to unattractive liabilities. The support SIDDHAST offers to researchers is intended to reduce the amount of time spent on seeking consulting opportunities, and to assist with negotiating contracts, and to minimize personal liabilities.

WHAT IS CONSULTING?

CONSULTING is the provision of personal advice or assistance by the consultant to an organization outside the current employer over and above the consultant's mainstream academic and research duties. Consulting activity is governed by current employer statute. All consulting activities should be governed by an appropriate contractual agreement, specifying the terms and conditions. Although consulting activity may be outside the consultant's mainstream activities, the terms and conditions deserve careful consideration to avoid creating problems which can have long term consequences. Key areas to address are:

1. DEFINITION OF THE AREA OF WORK

The description of the work covered by the agreement always needs to be defined precisely, restricting the 'field' of work to be undertaken as narrowly as possible. Given that a company might request ownership of the results of consultancy work, it is important that there should be no overlap between the description of the consultant's duties within the agreement and the individual's activities (or, indeed, with other consultancies held by the individual).

2. INTELLECTUAL PROPERTY

It is always essential to have a clear understanding of who will own the results generated during a consulting project and to ensure that substantial and valuable background research activity and knowledge is not transferred inadvertently. In line with other commercial consultancy contracts SIDDHAST' consulting contracts do pass ownership of new IP created directly during the days worked and paid for under the contract. We do not include background IP or any IP produced outside the consultancy. Intellectual Property Rights (IPR) are specific legal rights that protect intellectual property, and include PATENTS, COPYRIGHT, DATABASE RIGHTS, DESIGN RIGHTS and TRADE MARKS.

3. CONFIDENTIAL INFORMATION & PUBLICATION

Confidential information ("know-how") can be very valuable and its use should be controlled through confidentiality and non-disclosure provisions in contracts. In consulting contracts it is generally reasonable for the business client to assume that the consultant will not publish information learned during the course of the consultancy, either about the work itself or the client's business interests.

4. LIMITATION OF LIABILITY / GOVERNING LAW

SIDDHAST Innovation cannot accept liabilities arising from consulting activities beyond the value of a particular contract. Under exceptional circumstances special insurance arrangements may be negotiable with the SIDDHAST.

5. NOTEBOOKS

Consulting activity may produce new intellectual property (IP) and it is useful to keep a notebook detailing the work done specifically under the consulting agreement so that it is clear what belongs to the client and what does not. Under US Patent law, an inventor must provide evidence of the following in order to prove a date of invention: date of conception of the invention; reduction to practice of the invention; diligence in achieving reduction to practice. The evidence, which an inventor requires, may be in a variety of forms but is frequently contained in a laboratory notebook. In order to provide evidence of inventorship the following procedures are required in keeping a notebook: permanent binding (not loose-leaf or spiral bound); numbered pages; good paper quality; permanent ink (not pencil); legible and factually complete entries; each page to be signed off and dated by the author and witnessed as soon as possible. (The witness should be someone who understands the area of research but who is not directly involved and cannot be considered to be under the control of the author.) Do not leave any gaps, pages undated, unsigned or unwitnessed. SIDDHAST and its patent attorneys are able to advice on these issues.

CONSULTING PROCESS STAGES

	What icubepartner does?	What Siddhast does?
Register interest with icubepartner		SIDDHAST enters your details and areas of interest on icubepartner database to match against companies.
Identify company		SIDDHAST identifies companies with consulting needs and matches them with Institutes researchers
Agree Programme of work/scope		SIDDHAST facilitates the discussion between you and the company, clarifying the work to be done
Negotiate Price		SIDDHAST has substantial experience in negotiating realistic commercial fees
Conflict of Interest check		SIDDHAST works with Research Services to avoid conflicts which may damage current research activities i.e. research sponsor obligations, licenses
Negotiate Contract		SIDDHAST works to reduce your liabilities and protect academic freedom and intellectual property rights
Arrange professional indemnity		SIDDHAST ensures the consulting contracts are covered by the Institutional regulations
Notify your research sponsor/funder		If alerted by Research Services that you need to get research sponsor approval for consulting, we may be able to help you.
Completion of Appropriate forms		SIDDHAST will assist you in completing the Approval Form for Head of Department Approval. The SIIIP01 is an SIDDHAST form which confirms your agreement to undertake the specific work.
Exchange contracts		SIDDHAST arranges signature by the company
Project manage the work		SIDDHAST will help co-ordinate the work and manage the production of reports and arrange meetings where appropriate.
Invoice company		SIDDHAST will invoice the company promptly in line with the contract.
Chase payment from company		Where appropriate SIDDHAST will chase prompt payment by the company

Organize payment		After the charge of 25% is accounted SIDDHAST processes payments through the University payroll, thereby removing the need for you to make a separate tax return
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POINTS TO CONSIDER

Using SIDDHAST to help with consulting and service activity does not remove the need for you to follow the current employer procedures. When working through SIDDHAST, internal scrutiny is required by from Research Services and approval from your appropriate line manager. SIDDHAST can help explain and smooth the route to your obtaining the necessary approvals. You may be approached directly by a company to carry out consulting work. It is your choice whether you wish to handle the negotiation, Departmental clearances, paperwork and tax yourself (remembering that the internal approvals will still need to be gained) or involve SIDDHAST. If you do wish to use SIDDHAST, it is our experience that the earlier the work is passed to us, the faster the overall process will go.

SERVICES AGREEMENTS

Service agreements relate to the provision by researchers and technicians of testing and analysis work using equipment owned by or based in the concern partnering institute of SIDDHAST Innovation Technology Network. Service work is NOT consultancy and any employee thinking of utilizing resources to undertake such work need to at least get advice from their Departmental Administrator and Research Services. There are likely to be many complex issues involved in the provision of services and SIDDHAST can help in identifying and managing these. Issues such as Health and Safety and the disposal of materials can be handled by discussion with the appropriate Departmental Administrator, and addressed within the contract. Other issues may involve liaising with the relevant funding bodies which may have provided capital for new equipment on the basis the equipment is for "pure" research use only, rather than commercial gain. If you have any questions or concerns about whether your consultancy may be considered as service work or you intend to undertake such work please contact your Departmental Administrator and Research Services as applicable.

TIMESCALES Our experience is that the process from first contact to final contract can be managed within days. However, generally, negotiations can take longer depending on the nature of the requests made and will need to be seen by our lawyers and agreed with Research Services in line with the relevant Institute or Industry Statutes and Regulations.

PLEASE REMEMBER that if you do not use us you must still comply with the concern Institute or Industry Statutes and regulations. Even then you can only sign for a personal contract and not for, or on behalf of the University.

MARKETING

SIDDHAST markets the consultancy and services resources of **icubepartners** to the business community in the India and internationally. This achieves two key goals:

- SIDDHAST helps to generate opportunities for researchers; and
- SIDDHAST provides a contact point for companies to identify the right individual consultant with the expertise to help their businesses. Targeted marketing through networking events, working with the Business Liaison Managers based at SIDDHAST, conferences and the SIDDHAST Technology Networking leads to new consulting business. SIDDHAST also uses its specialist searching skills and leads from researchers to identify potential commercial partners; prepares and distributes non-confidential marketing information; and follows up potential leads.

SIDDHAST maintains a database of icubepartners who have asked to be considered for consulting business. SIDDHAST is also aware of the full range of icubepartner consulting activity and approaches researchers when opportunities arise.

NEGOTIATING

As a first step, primarily to prepare the scope of work, SIDDHAST will typically arrange a meeting between the client, SIDDHAST and researcher(s). This meeting is important to make sure that no party is raising the expectations of the other unreasonably. An accurate scope of work (i.e. work to be done, deliverables etc) helps to achieve realistic costing. The expertise delivered under consulting and service contracts is often of very high value to the client company. Researchers should therefore expect an appropriate financial return for their time and expertise. A key reason for SIDDHAST to be involved in consulting support is to avoid researchers providing commercially valuable advice for low fees. Although there are no fixed rates for consulting because of the breadth of the expertise on offer, it is safe to say that a fee of less than Rs 10,000 a day is rarely reasonable unless there is a strategic reason to accept the business at less than market rate.

PROTECTION FROM LIABILITIES

When as a researcher, you enter into private consulting contracts you may be exposed to contractual liabilities which make you personally liable for the consequences of the work you do for your client. The liability may well extend to other people's use of the work you have done and over which you have no control. Consulting contracts are often short in length and in time span, and individuals sometimes forget to consider key issues which can have long term consequences (e.g. restrictions on working in the same field and/or with other companies). Using SIDDHAST creates an arms-length relationship whereby the contract is between SIDDHAST and the company, not with the researcher personally. SIDDHAST negotiates the appropriate limitation of liability. Such limitations are normal in the commercial world.

ADMINISTRATION

There can be considerable administrative effort involved in running consulting activity which **usually goes unpaid**: rounds of sometimes complex negotiations; contractual drafting and correspondence ; Traveling; Maintaining Database , office Expense putting insurance in place; invoicing; debt collection; tax returns if the consultancy does need to use any Universities, Institutes equipment.

HOW MUCH DOES IT COST?

For all consulting contracts managed through SIDDHAST, SIDDHAST retains 45% of the amount invoiced to the client or it pays the charges proposed by you. After the charge of 45% is accounted, SIDDHAST then processes payments to individual member of icubepartner. There is one time Registration Fee of Rs. 1000/- as one time administrative expenses to register them as a individual member in icube partnership and no other charges or cost SIDDHAST arranging consulting business for you.

Why Initial Registration Fee?

SIDDHAST Innovation has kept an initial registration fees of Rs 1000/- for participating individual in **SIIP** to overcome lots of initial expenditure for maintaining individual profile, correspondence and traveling expenditure. Secondly individual who is participating in the SIIP is serious about consulting work allotted to him and should avail all the opportunity he get through the correspondence done by SIDDHAST.

No registration fee till 31st March 2010 for Ph. D. holders.

WHERE DO I START?

Please complete the SIIP Form so that we know you are interested in doing consulting work. We will then include you on our icubepartner database. Forms are available at our website