

## **Draft Guideline - Assistance for Patent Registration**

### **1. Name of the Scheme:**

Scheme of assistance for patent Registration

#### **Government Resolution No:**

Aatmanirbhar Gujarat Scheme for Assistance to Micro, Small and Medium Enterprises (MSME) Govt. of Gujarat, Industry & Mines Dept., Resolution No: MIS-102022- 1271(1)-I(CH) Dated: 05/10/2022

### **2. Operative Period:**

The operative period of the scheme is from 05/10/2022 to 04/10/2027.

### **3. Eligibility criteria**

3.1 Classification of Micro, Small & Medium Enterprise define as per Para 1 of the GR dated 05/10/2022. The enterprise must have obtained acknowledgement/ registration from Ministry of MSME or DPIIT, as the case may be.

3.2 Individual/ Any legal Entity (MSME) will be eligible for assistance under scheme.

### **4. Assistance Available**

4.1 Assistance at the rate 75 % of the cost/expenditure incurred for any number of patent subject to maximum limit of Rs. 25 Lakhs per applicant/enterprise for obtaining Patent registration of developed product/process during policy period.

4.2 Assistance for Maximum attorney fee for national patent shall be capped at Rs.50,000/- and Rs.2,00,000/- per country for international patent within the overall cap of 75% of the cost/expenditure of patent registration within overall ceiling.

4.3 The Assistance will be a reimbursement of the cost/expenditure incurred

### **5. Other Conditions**

5.1 Fees paid to patent attorney, patent service center, patent registration, other statutory expenditure and Equipment/Parts purchased to develop Prototype of product/process patent (expenditure till the date of application under scheme submitted) will only be eligible.

5.2 Raw material, travel, hotel charges, other expenses apart from prototype development etc. will not be eligible for assistance.

5.3 Individual/any legal entity having MSME status will be eligible for assistance under the scheme

5.4 Applicant shall have to submit application within one year from the date of publication /notification of the Patent.

5.5 Application submitted after one year from the date of publication / notification will not be eligible for assistance

5.6 The applicant shall have to apply with required document as mentioned in the Check List

5.7 Cash payment of Stamp fees, Government fees and other charges up to Rs.10,000/- will be eligible for assistance.

5.8 Cash payment above Rs.10,000/- will not be eligible for assistance.

5.9 Patent filed for industrial /commercial purpose will only be eligible for assistance under this scheme.

5.10 Applicant shall have to submit separate expenditure statement for each patent [National/International (country wise patent)]

- 5.11 Applicant/Enterprise shall have to claim 2 times in a year with the gap of six months.
- 5.12 Fees paid to attorney, Government, other statutory bodies before final patent grant approval will be eligible.

**6. limit to apply for the scheme for assistance for patent Registration:**

- 6.1 Enterprise needs to apply online on IFP Portal (<https://ifp.gujarat.gov.in>) and submit self-certified hard copy at MSME Commissioner Office within one year from the date of patent publication/notification.
- 6.2 Enterprise can apply/submit offline/hardcopy at MSME Commissioner Office till online module is made live
- 6.3 If the Enterprise has obtained Patent Publication/ Notification before 05/10/2022 and commenced the commercial production before 05/10/2022 and apply before 05/10/2022 then, enterprise will be eligible for previous scheme.
- 6.4 In addition to the GR, if the Enterprise has commenced commercial production before 05/10/2022 and obtained Patent Publication/ Notification after 05/10/2022 and apply after 05/10/2022 then they will be eligible under this scheme.
- 6.5 In addition to the GR, if the Enterprise has commenced commercial production after 05/10/2022 and apply before 05/10/2022, have an option to opt as per para 7 of the GR dated 05/10/2022.

**7. Procedure for disbursement to the sanctioned application:**

- 7.1 50% of the sanctioned assistance will be disbursed by MSME Commissioner Office as per availability of the grant after the publication /notification of the patent.
- 7.2 Remaining 50% assistance will be disbursed after issuance of certificate of patent by competent authority.
- 7.3 Applicant must have to submit Patent Registration Grant Certificate within six months from the date of issue of Patent certificate.