

NOTIFICATION

The 18th April, 2016

No. 49/43/2015-4IB1 In pursuance to the provision under Chapter 12 of Enterprises Promotion Policy-2015 notified vide No. 49/43/2015-4IB1 dated 14th August, 2015, the Governor of Haryana is pleased to notify the “Patent Registration Scheme” for Micro, Small & Medium Enterprises. The scheme will consist of the following provisions:

1. Objective

Patent is an exclusive right granted by the State/International Agency for an invention that is new, involves an inventive step and is capable of industrial application. It gives its owner an exclusive right to prevent or stop others from making, using offering for sale, selling or importing a product or a process, based on the patented invention, without the owner’s prior permission. A patent is a powerful business tool for the companies to gain an exclusive right over a new product or process, develop a strong market position and earn additional revenue through licensing. The State Government intends to promote the regulation of patents among the enterprises and protect their innovation in the era of globalization or secure their rights over their traditional product/process and have, thus, made provision for grant of financial assistance on grant of patent registration.

2. Quantum of Assistance

Reimbursement of 50% of the actual expenses (including filing fees, consultancy fees, search fees and maintenance fees) with a maximum of Rs. 25 lakh for both domestic and international patent registration.

3. Commencement and Applicability

The Scheme shall commence with effect from 15.08.2015 for providing assistance for obtaining patent registration on their products, and shall remain in operation for a period of 5 years. MSMEs which have acquired patent registration after 14.08.2015 and before 14.08.2020 shall be eligible under this scheme.

4. Eligibility Criteria

All MSMEs existing anywhere in the state, which have filed EM Part-II/Udyog Aadhaar Memorandum with respective District Industries Centre shall be eligible under the scheme. The industrial units must also comply with the following conditions:

- i) The item of manufacture of the unit should not fall in the restrictive list as notified by the State Government from time to time.
- ii) The unit should have obtained NOC/CLU from competent authority, if applicable.
- iii) The unit should be in commercial production.
- iv) The unit should be in regular production at the time of disbursement and the assistance shall not be released to the closed unit.

5. Procedure

- a. Application on prescribed Form (Annexure-I) for the reimbursement of expenses incurred in acquiring patent registration along with listed documents would be submitted to the Director of Industries & Commerce, on the web portal of the Department.
- b. The application would be processed and examined. The deficiencies, if any, would be communicated to the applicant on-line within a period of 10 working days and the applicant would be given a time period of eight weeks to rectify the deficiencies so pointed out.
- c. In case the deficiencies are not removed within the prescribed period, the claim shall be filed by the Competent Authority, under intimation to the party through e-mail. The enterprise shall not be required to submit any additional document other than those specified under Annexure-I without approval of competent authority.
- d. The claim application so filed may be reopened with the orders of Principal Secretary Industries & Commerce provided a written request for the same is received within a period of 30 days from the date of rejection of the claim by the designated Competent Authority.

6. Time Limit to apply

An applicant shall forfeit its entitlement for the reimbursement of the expenses incurred in acquiring patent registration, if it does not submit its claim, complete in all respects within three months from the date of patent registration.

7. Competent Authority for sanction

The Director, Industries & Commerce shall be competent authority for sanction of the subsidy within 30 days from the date of completion of the claim

8. Interpretation/ Relaxation

Secretary Industries & Commerce, Haryana shall be competent to make interpretation/relaxation of provisions of this scheme.

9. Appeal

Appeal against an order passed by the Competent Authority shall lie with the Principal Secretary, Industries & Commerce, Haryana within a period of 30 days from the date of communication of the order appealed against, the order passed by the Principal Secretary in the appeal shall be final.

10. Penal Action

At any time if it is found that assistance from government has been availed on the basis of any false information, the applicant shall besides refunding assistance with compound rate of interest @ 12% per annum and facing legal action, will be debarred from grant of any incentives/assistance from the State Government.

Devender Singh
Principal Secretary to Government of Haryana,
Industries and Commerce Department

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Annexure-I

Format of Application for Financial Assistance for Patent Registration.

Part-1

S. No.	Description	Details
1	Name of the Applicant (Authorised person of the unit)	
2	Name & factory address of the unit with telephone no. and e-mail	
3	Registered Office address	
4	Category of unit (Micro/ Small/ Medium)	
5	EM Part-II/Udyog Aadhaar No. & Date	
6	Date of commencement of commercial production (As per first sale bill)	
7	Item of manufacture	
8	Constitution of the Unit [Proprietary, Partnership, Pvt. Ltd., Public Ltd., LLP (Limited Liability Partnership)]	
9	Number of patents already filed/granted (National/ International)	
10	Number of Patents filed under this scheme (if any)	
11	Indian Application Filing number: Date of Filing:	
12	Name and Details of Investor(s): Name: Qualification: Age: Designation:	
13	Is R&D for Invention indigenous i.e. developed in House/ Collaborative	
14	If Collaborative, give details of the type of Collaboration	

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Part-2 Invention/Patent Information

15	Title of Invention	
16	Brief Description of Invention	
17	Technical/other fields of Inventions	
18	Advantage(s) of Inventions	
19	Novel features of Invention as based on prior art search (Kindly attach a comprehensive prior art search also clearly indicating subject matter on which search was conducted, fields or keywords searched, databases used for the said search and the reference of relevant documents considered relevant to the subject matter of your invention):	
20	Brief description of commercialization plans or commercialization status for the invention. Anticipated revenues from commercializing the invention	
21	Potential markets and the basis for the same	

Part-3 Details of Patent Agent/Attorney

22	Name of Patent Agents/ Attorney Firm	
23	Contact Person and Contact Number	
24	No. of years in handling international patents	
25	Address of the firm	
26	Is the International application already filed? (Yes/ No)	
27	Route of Filing: PCT/ Conventional	
28	Countries Filed or Proposed	

Part-4 Details of Financial Assistance

29	Total amount of expenditure in acquiring patent registration (in Rs.)	
30	Amount of financial assistance claimed @50% of the total actual expenses (in Rs.)	

31. Self attested copies of documents to be attached with the application:
- i. Acknowledgement of EM Part-II/UAM.

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- ii. Certificate of Incorporation/ Partnership deed.
- iii. Board resolution/ Power of attorney
- iv. Change of Land Use (CLU)/ NOC from competent authority, if applicable.
- v. Copy of first sale bill.
- vi. Copy of Patent Registration certification.
- vii. Undertaking/Declaration on non-judicial stamp paper(Annexure-II)
- viii. CA certificate of Expenditure (in original) giving details (Annexure-III)
- ix. Copy of the bills raised by certifying agency and proof of payment thereof, product brochures.
- x. Audited balance sheet of the unit of last year.

Signature of the applicant
(with seal)

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Annexure-II

Undertaking/Declaration (to be submitted on non-judicial stamp paper of Rs. 50/- (Min) duly sworn before a Notary Public (duly affixed with Notarial Stamp; and with Notary Seal & Notary Registration Number) or First Class Magistrate):

I, _____ do hereby solemnly state that I am proprietor/
partner/ director/ _____ of M/s _____
located _____ which is engaged in the manufacture
of _____ and I have been authorized to file the claim of Patent
Registration with the Department of Industries and Commerce,
Haryana.

2. I do hereby affirm that the particulars given in the application
are correct. In case any of the statement/ information furnished in the
application/ documents later found to be wrong or incorrect or
misleading, I do hereby undertake to refund the entire amount of
assistance of Rs. _____ (Rupee _____)
granted to me alongwith compound rate of interest @12% per annum,
besides facing legal action in case facts contained in this application
are proved to be wrong at the time of verification/ checking or
otherwise at any stage.

Dated:

Signature of the Proprietor/Partner/
Managing Director/Director
(with seal)

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Annexure-III

Certificate from Chartered Accountant in respect of Proof of Expenditure incurred for acquiring Patent Registration and about investment in plant & machinery (on a CA letter head)

To whom it may concern

The document & records of M/s with their regd. office at..... and factory located at and EM/Udyog Aadhaar no. dated in respect of the expenditure incurred by acquiring Patent Registration (or its equivalent) have been verified, and it is certified that the said company have incurred a total expenditure of Rs. (Rupees) towards, (including filing fees, consultancy fees, search fees and maintenance fees etc.) in obtaining Patent Registration (Domestic/International) from the certification agency namely..... as per the following details of payments.

Details of payments (Name of certification agency/ org.) amount paid (in rupees)

- a) Application fee.....
- b) Consultancy fees
- c) Search fees.....
- d) Maintenance fees.....
- e) Others, if any.....
- Total

AND

Verified from the books of accounts of above firm that the total investment in plant and machinery (original purchase value) of the unit as on date..... stands as Rs..... (Rupees)

Name & signature of the Chartered Accountant
with stamps & CA membership number

Dated

Payment at (a) to (e) above should be supported by copies of receipts of payments made to the certification agency duly attested. The payment receipts must indicate the purpose for which the payments have been made to the certification agency.