

OPERATIONAL GUIDELINES FOR PROVIDING ASSISTANCE ON PATENT REGISTRATION.

(See Para- 5.4.8 of IPR-2015)

Intellectual Property can broadly be defined as product of mind. The Government grants secured legal rights to the owner of inventions. In the present scenario, measures for protecting Intellectual Property and its trade related aspects have gained momentum nation-wide. The State Government of Odisha is providing assistance under the provisions of Industrial Policy Resolution- 2015 to stimulate inventions by domestic producers and to get legal protection for their inventions through Patent.

1. **Short Title:** - Operational guidelines for providing assistance on Patent & Intellectual Property Rights under Industrial Policy Resolution 2015
2. **Extent:** - It shall extend to the whole of the State of Odisha.
3. **Commencement:** - It shall come into force from the "Effective Date" of Industrial Policy Resolution 2015 i.e. ---day----- month-----2015
4. **Terms and Expressions:** -Terms and expressions used in this operational guideline, but not specifically defined here, shall have the same meaning as in Industrial Policy **Resolution** 2015
5. **Definition:-**

5.1 Intellectual Property includes industrial property like-

- i. Inventions (Process, Product and Apparatus) registrable under Indian Patent Act-1970- Amendment-1999 as amended by the Patents Amendment Act, 2005.
- ii. Industrial Design (Shape, Configuration, Pattern, Ornamentation) registrable under the Designs Act, 1911- superseded by The Designs Act, 2000
- iii. Trademarks (Marks and Trade Names to distinguish goods and Service Marks where Trade Mark is used in connection with services) registrable under The Trade and Merchandise Marks Act, 1958 superseded by The Trade Mark Act-1999.

- iv. Geographical Indications (Indication of source or appellations of origin) registrable under Registration and Protection Act-1999
- v. Integrated Circuit Layout Designs registrable under The Semiconductor Integrated Circuit Layout Designs Act, 2000 and / or under international treaties for which the Union of India is a signatory.

5.2 Competent Registering Authorities are-

- i. The Controller General of Patents, Designs and Trade Marks, (CGPDT) under the administrative control of The Department of Industrial Policy & Promotion, Ministry of Commerce & Industry, Government of India,
- ii. Registrar of Geographical Indications, Chennai under the administrative control of Ministry of Commerce & Industry, Government of India
- iii. Registrar of Semiconductor Integrated Circuits Layout Design under the administrative control of Ministry of Communication and Information Technology, Government of India
- iv. And their field / branch offices and shall include any other agency recognized by the Government of India for such registration of Patents or other Intellectual Property Rights as may be enforceable by law in India or abroad.

6. Policy Provisions:- New Industrial units and Existing Industrial Units in Micro, Small & Medium Enterprises and Priority Sector taking up expansion / modernization / diversification will be encouraged to file patents for the products of their research and development and state will provide assistance to entrepreneurs for Patent & Intellectual Property Right provisions @ 100% of the registration cost up to maximum of ten lakh rupees (INR 10.00 lakh).

7. Eligibility: -

7.1 New Industrial units.

7.2 Existing Industrial Units in Micro, Small & Medium Enterprises taking up expansion / modernization / diversification.

7.3 Existing Priority Sector Units taking up expansion / modernization / diversification

7.4 Migrated industrial unit treated as new industrial unit.

7.5 Rehabilitated sick industrial unit treated at par with new industrial unit and duly recommended by State Level Inter Institutional Committee (SLIIC) for this incentive.

7.6 Industrial unit seized under Section 29 of the State Financial Corporation Act, 1951 / SARFAESI Act, 2002 and thereafter sold to a new entrepreneur on sale of assets basis and treated as new industrial unit for the purpose of this IPR.

8. Eligible costs of assistance shall include -

- a) Cost of Application Form, processing charges, and all other costs / charges / fees, known by whatever name, paid to the competent registering authority.
- b) Reasonable expenditure incurred on documentation for the purpose of registration of patent / IPR including reasonable fees paid to the consultants as consultancy fees and cost of work of preparation, reprography of art-work, industrial design etc.
- c) The total amount of assistance under these rules shall be limited to Rs.10 lakh for a unit. If any unit secures registration of more than one patent or their intellectual property rights, the assistance shall be available for each registration separately subject to an overall cumulative limit of Rs.10 lakh.
- d) If the industrial unit has availed assistance / subsidy / any incentive towards the registration of the same patent or and Intellectual Property Right from any State Govt. or the Central Govt. (GoI) or Govt. Agencies or any Financial Institution(s) of the country or abroad , it shall be eligible for the differential amount of benefit only.

9. Time frame for filing Application: - The entrepreneur shall submit his claim within **one year** from the date of obtaining Patent Intellectual Property Right registration. Application in the prescribed form received after the due date / incomplete in any respect shall be liable to be summarily rejected.

10. Procedure:-

10.1 Industrial unit satisfying the eligibility shall file application in the prescribed form appended to this operational guideline at Annexure **-'A'** along with copies of all relevant documents as mentioned in the Checklist at Annexure **-'B'** (in duplicate in case of Medium Enterprises & Large Industries) to the concerned General Manager, RIC/ DIC within the prescribed time limit.

Copies of the documents as indicated in the checklist shall be self - attested by Proprietor / Managing Partner / Managing Director / Authorized Signatory.

10.2 On receipt of application, the acknowledgement as prescribed at Annexure- **'C'** shall be dispatched to the applicant duly signed by the authorized officer / General Manager, RIC / DIC on the day of receipt. General Manager, RIC / DIC may authorize any of his officers for the purpose.

10.3 After receipt of the application from the industrial unit i.e Micro and Small Enterprises, the concerned RIC / DIC will check the eligibility and veracity of facts concerning the claim, determine the IPR applicability & eligible amount of assistance and accord sanction of assistance in the prescribed format at Annexure- **'D'** in favour of the Micro and Small Enterprises under intimation to D.I. Odisha within next **15 days** from the date of receipt of application of the unit.

10.4 In case of Medium Enterprises and Large Industries, the concerned RIC / DIC will check the eligibility and veracity of facts concerning the claim and forward one set of Application with its relevant enclosures to the Director of Industries under intimation to the IPICOL and the industrial unit within **3 days** of receipt.

10.5 On receipt of application with requisite documents from General Manager, RIC / DIC concerned, Director of Industries, Odisha shall examine the proposal of Medium Enterprises and Large Industries, determine the IPR applicability & eligible amount of assistance and accord sanction of assistance in the prescribed format at Annexure- **'D'** under intimation to the IPICOL and RIC / DIC within next **15 days** from the date of receipt of application from RIC /DIC concerned.

10.6 If required, the General Manager, RIC / DIC may refer the proposal or obtain technical opinion of Directorate of Industries, Odisha or from any other Govt. / Semi Govt./ Certified Private Organization within the country or abroad through Directorate of Industries, Odisha / Industries Department / MSME Department in the matter prior to sanction of assistance. The time limit for sanction / disposal of proposal shall **not** be applicable where the proposal is referred or submitted for technical opinion to any organization beyond the State of Odisha.

11. Disbursement;- The RIC/ DIC in case of Micro and Small Enterprises and Director of Industries in case of Medium Enterprises & Large Industries shall disburse the sanctioned amount of assistance to the industrial unit within next 5 days subject to availability of funds under the scheme under intimation to Director of Industries, Odisha / RIC /DIC

The disbursement may be deferred if the unit is found closed and may be effected on resumption of production.

12. In case of **rejection** of application, the reasons of rejection shall be communicated to the applicant unit as early as possible or within 25 days of receipt of application by concerned General Manager, RIC / DIC / D.I Odisha in the format prescribed at Annexure – 'E'.

13. Miscellaneous :-

13.1 RIC/ DIC / Directorate of Industries, Odisha may inspect the industrial unit, if felt necessary.

13.2 The **entrepreneurs** shall immediately intimate to the concerned RIC/ DIC and Director of Industries, Odisha if the Patent Registration is revoked by the authority for any reason.

13.3 Entrepreneurs shall also immediately intimate to the concerned RIC / DICs and Director of Industries, Odisha if the patent and Intellectual Property Right is gifted, inherited, assigned , sold or licensed during the period of right with due approval of the Registering Authority concerned.

13.4 The Assistance or any part thereof with penal interest as decided by the authority shall become forthwith repayable by the entrepreneur(s) on the following events, namely-

- (a) If the information furnished is found to be false / incorrect / misleading or mis-represented and there has been suppression of facts / materials or disbursed in excess of the amount actually admissible for whatsoever reason.
- (b) If the patent and intellectual property right registered is revoked by the authority for any reason within five years of registration.

13. Time limit prescribed in this guideline is of working days only.

14. The operational guidelines have been concurred in by Finance Department in their UOR No.----- dated -----

**APPLICATION FOR SANCTION AND DISBURSEMENT OF ASSISTANCE
ON PATENT & INTELLECTUAL PROPERTY RIGHTS UNDER PROVISIONS OF
INDUSTRIAL POLICY RESOLUTION 2015**

Application received after the due date / incomplete in any respect shall be liable for rejection)

(Strike out whichever is not applicable)

From

M/s. _____

At _____

PO _____

Sub-Division _____

Dist. _____

(Location of the Industrial Unit)

To

The General Manager,

Regional Industries Centre / District Industries Centre, _____

Sub: Sanction & disbursement of assistance on Patent & Intellectual Property Rights under provisions of Industrial Policy Resolution 2015.

Sir,

In accordance with the provisions laid down in Industrial Policy Resolution – 2015 and operational guidelines, the claim for assistance on patent & intellectual property rights is submitted herewith with following particulars.

1	Category of the Unit (Micro / Small / Medium Enterprises / Large Industries)	:	
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2	New Industrial units / Existing Industrial Units in Micro, Small & Medium Enterprises taking up expansion / modernization / diversification / Existing Priority Sector Units taking up expansion / modernization / diversification / Migrated industrial unit treated as new industrial unit / Rehabilitated sick industrial unit treated at par with new industrial unit and duly recommended by State Level Inter Institutional Committee (SLIIC) / Industrial unit seized under Section 29 of the State Financial Corporation Act, 1951 / SARFAESI Act, 2002 and thereafter sold to a new entrepreneur on sale of assets basis and treated as new industrial unit	:				
3	Address of Registered office	:				
4	Type of organization (Proprietorship / Partnership / Co-operative / Private Limited / Public Limited)	:				
5	Name of Proprietor / Managing Partner / Managing Director / Authorized Signatory	:				
6	EM-II / IEM / I L No. and date	:				
7	Items of manufacture / activity	:	Original / E/M/D	Item (s)	Quantity	Value
8	Date of commencement of production	:				

9	Date of first fixed capital investment i.e. land / building / plant & machinery and balancing equipment.	:			
10	Date of first fixed capital investment for E/M/D of Existing units				
11	Date of commencement of production of E/ M/D				
12	Total capital investment (Head / item - wise & specify investment in Laboratory / R&D Lab)	:	Original	E/M/D	Total
	a				
	b				
13	Name of the Financial Institution Specify the date of sanction & amount of term loan / working capital loan				
	Whether loan has been availed from FI / Banks for the purpose of obtaining Patent & Intellectual Property Right Registration, if so specify-	:			
	a. Name of F I / Bank	:			
14	b. Amount of loan availed	:			
15	Items of Patent/other IPR Registered & date of its commercial use by the applicant unit.	:			
16	Name & address of the Patent/other IPR Registration Authority which has accorded registration.				

1 7	IPR & Patent Regn. No. with date (copy to be submitted)		
1 8	Amt. of expenditure incurred for getting Patent & Intellectual Property Right (IPR). (Copy of the bills/vouchers/receipt etc. be submitted with a statement)		
1 9	Details of assistance sanctioned / availed so far with sanction order no & date	:	
2 0	Present claim for assistance	:	
2 1	Details of assistance sanctioned / availed form any State Govt. or the Central Govt.(Gol) or Govt. Agencies or any Financial Institutions of the country or abroad, with sanction order no & date		
2 2	Differential amount of Claim		

I ,Sri_____ s/o _____at present _____ (designation) of M/S _____ (name of the industrial unit) certify that the information furnished as above is true and correct to the best of my knowledge and belief.

I hereby undertake to abide by the terms and conditions prescribed under the provisions of Odisha Industrial Policy 2015 and **its operational guidelines**.

I hereby undertake to repay the assistance amount or any part thereof with penal interest as decided by the authority-

- a. If the information furnished is found to be false / incorrect / misleading or misrepresented and there has been suppression of facts / materials or disbursed in excess of the amount actually admissible for whatsoever reason.

- b. If the patent and intellectual property right registered is revoked by the authority for any reason within five years of registration.

I hereby certify that this industrial unit has not applied / sanctioned / availed any amount of assistance under any other scheme of the State Govt. or the Central Govt. or any Financial Institution(s) / Support organization in the country and abroad against which the present claim is made.

Copies of relevant documents in support of information / facts furnished above are **enclosed** here with.

- 1.
- 2.
- 3.

Signature of the Proprietor / Managing Partner / Managing Director /
Authorized Signatory in full and behalf of

Date.

M/s -----

CHECK LIST

Copies of documents to be attached with the application shall be self-attested by
Proprietor / Managing Partner/Managing Director / Authorized Signatory

(Strike out whichever is not applicable)

1	Entrepreneurs Memorandum- II / IEM / Industrial License / Production Certificate
2	Power of Attorney / Board Resolution / Society Resolution, as applicable, while signing as Partner / Managing Director / Authorized person.
3	Certificate of registration under Indian Partnership Act1932 / Societies Registration Act- 1860 / Certificate of incorporation (Memorandum of association & Article of Association) under Company Act-1956
4	Certificate of Priority Sector / Pioneer Unit in each Priority Sector /
5	Migrated industrial unit treated as new industrial unit.
6	Rehabilitated sick industrial unit treated at par with new industrial unit and duly recommended by State Level Inter Institutional Committee (SLIIC) for this incentive.
7	Industrial unit seized under Section 29 of the State Financial Corporation Act, 1951 / SARFAESI Act, 2002 and thereafter sold to a new entrepreneur on sale of assets basis and treated as new industrial unit for the purpose of this IPR.
8	Document in support of date of first investment in fixed capital for original / Expansion / Modernization / Diversification i.e. land / building / plant & machinery and balancing equipment
9	Appraisal / approval for Expansion / Modernization / Diversification as in – Annexure –I -Definition and Interpretation of IPR.
10	Statement on fixed asset acquired & installed for Lab. / R&D Lab. supported with bills & vouchers
11	Term loan sanction order of OSFC / Banks / FI

12	Sanction order of loan availed from FI / Banks for the purpose of obtaining Patent & Intellectual Property Right Registration.
13	Registration Certificate of Patent / other IPR Registered items & date of its commercial use.
14	Statement on expenditure incurred for getting Patent & Intellectual Property Right (IPR) with copy of the bills / vouchers / receipt etc.
15	Details of assistance sanctioned / availed so far from State Govt. or the Central Govt.(GoI) or Govt. Agencies or any Financial Institutions of the country or abroad, with sanction order no & date and other supporting documents
16	Undertaking on non-judicial Stamp Paper duly signed by the applicant in the format – Annexure- B1
17	<i>Valid statutory clearances including consent to operate issued by OSPCB</i>
18	Document in support of delay in implementation condoned by Empowered Committee

UNDERTAKING

(Strike out whichever is not applicable)

- i) I / We shall abide by the terms and conditions prescribed under the provisions of Industrial Policy Resolution 2015 and its operational guidelines.
- ii) I / We shall repay the assistance for Patent registration or any part thereof with penal interest as decided by the authority-
 - (a) If the information stated above is found to be false/ incorrect / misleading or mis-represented and there has been suppression of facts / materials or if found to have been disbursed in excess of the amount actually admissible for whatsoever reason.
 - (b) If the industrial unit goes out of production for a period exceeding six months at a time for any reasons other than labour troubles, want of electric power or for the reason which is beyond the control of entrepreneur / management during the period of incentives.
- iii) I / we the promoter(s) have not defaulted to Banks / Development Financial Institutions / SIDBI / OSFC / IPICOL / Government and Government controlled agencies in connection with the unit for which the incentive is sought or for any other unit / activity in the state with which concerned promoter(s) is / are directly or indirectly associated.
- iv) This industrial unit has not applied / applied / not availed / availed assistance for Patent Registration under any other scheme of the State Govt. or the Central Govt. or Govt Agencies or any Financial Institution(s) in county & abroad.

I / we shall furnish its audited financial statements and other periodical statements of each financial year to the RIC / DIC / IPICOL/ Directorate of Industries, Odisha during the period of incentives.

Signature of Proprietor / Managing Partner/
Managing Director / Authorized Signatory
in full and on behalf of M/s-----

Place-

Date-

ANNEXURE-C

(FOR OFFICE USE)

OFFICE OF THE GENERAL MANAGER, RIC / DIC----- /

Letter No.----- / Date-----

Acknowledgement

(To be issued by authorized officer / General Manager, RIC / DIC on the day of receipt)

(Strike out whichever is not applicable)

To

Sri _____

M/s. _____

Received the application for sanction & disbursement of assistance towards registration cost of Patent & Intellectual Property Right under INDUSTRIAL POLICY RESOLUTION 2015 along with documents mentioned below from M/s-----
At/PO-----Dist. ____ on dt. ----- through post / person.

List of documents

- 1.
- 2.
- 3.

Signature of authorized officer / General Manager, **RIC/ DIC**

with seal & date-----

(TO BE DISPATCHED TO THE APPLICANT)

OFFICE OF THE GENERAL MANAGER, RIC / DIC----- /

Letter No.----- / Date-----

Acknowledgement

(To be issued by authorized officer / General Manager, RIC / DIC on the day of receipt)

(Strike out whichever is not applicable)

To

Sri _____

M/s. _____

Received the application for sanction & disbursement of assistance towards registration cost of Patent & Intellectual Property Right under INDUSTRIAL POLICY RESOLUTION 2015 along with documents mentioned below from M/s-----
----- At/PO-----Dist. _____ on dt. -----
through post / person.

List of documents

- 1.
- 2.
- 3.

Signature of authorized officer /
General Manager, **RIC/ DIC**
with seal & date-----

Annexure- D

OFFICE OF THE GENERAL MANAGER, RIC / DIC-----
OFFICE OF THE DIRECTORATE OF INDUSTRIES, ODISHA, CUTTACK

(Strike out whichever is not applicable)

SANCTION ORDER

Office order No. _____ dt. _____

Sanction is hereby accorded for payment of assistance towards hundred percent of the registration cost of Patent & Intellectual Property Right for Rs. _____ (Rupees _____) only in favour of M/s. _____ Proprietor / Managing Partner / Managing Director / Authorized Signatory Sri _____ At/PO _____ Dist. _____ (Address of the Registered office of the unit) located at _____ Sub-Division _____ District _____ in accordance with the provisions laid down in Industrial Policy Resolution 2015 and operational guidelines.

The captioned industrial unit is a New Micro Enterprise / Small Enterprise / Medium Enterprises / Large Industries / Existing Industrial Units in Micro, Small & Medium Enterprises taking up expansion / modernization / diversification / Existing Priority Sector Units taking up expansion / modernization / diversification / Migrated industrial unit treated as new industrial unit / Rehabilitated sick industrial unit treated at par with new industrial unit and duly recommended by State Level Inter Institutional Committee (SLIIC) / Industrial unit seized under Section 29 of the State Financial Corporation Act, 1951 / SARFAESI Act, 2002 and thereafter sold to a new entrepreneur on sale of assets basis and treated as new industrial unit for the purpose of this IPR and the total amount sanctioned so far, does not exceed the limit of ten lakh rupees prescribed in said Industrial Policy Resolution 2015

This Sanction is towards differential amount of assistance and does not exceed the limit of Ten lakh rupees prescribed. In IPR 2015

General Manager, RIC/ DIC ___/

Director of Industries, Odisha.

Memo No. _____/dt. _____ / Copy forwarded to the Director of Industries, Odisha / General Manager, RIC/ DIC ___/ Managing Director, IPICOL for information and necessary action.

General Manager, RIC/ DIC ___

Director of Industries, Odisha

Memo No. _____/Ind., dt. _____ / Copy forwarded to M/s. _____ Proprietor / Managing Partner / Managing Director / Authorized Signatory Sri _____ At/P _____ Dist. _____ for information.

General Manager, RIC/ DIC ___

Director of Industries, Odisha

Annexure- E

OFFICE OF THE GENERAL MANAGER, RIC / DIC-----/
OFFICE OF THE DIRECTOR OF INDUSTRIES, ODISHA, CUTTACK

No ----- Dt. -----

(Strike out whichever is not applicable)

This is to inform that –

The application for sanction of assistance towards registration cost of Patent and Intellectual Property Right filed by M/S _____ bearing Regn. No _____ Dt _____ on dt. _____ under IPR 2015 is rejected due to following reasons.

(Specify the reasons)

- 1.
- 2.
- 3.
- 4.

General Manager, RIC/ DIC ____

Director of Industries, Odisha