



GOVERNMENT OF INDIA

# GUIDELINES

## Implementation of the Scheme Building Awareness on Intellectual Property Rights (IPR) for Micro, Small and Medium Enterprises

A Component of  
**National Manufacturing  
Competitiveness Programme**

Development Commissioner  
Micro, Small & Medium Enterprises  
Government of India  
Nirman Bhawan, New Delhi-110 108





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May, 2010

माधव लाल

अपर सचिव एवम्  
विकास आयुक्त

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## PREFACE

The Ministry of Micro, Small and Medium Enterprises has launched the National Manufacturing Competitiveness Programme (NMCP) to improve the competitiveness of the Micro, Small and Medium Enterprises (MSME) sector. The initiatives under the NMCP aim at increasing productivity, upgrading technology and conserving energy in the manufacturing processes, as well as expanding domestic and global market share of Indian MSME products. Under the Programme, 10 components have been conceptualised, namely:-

- Lean Manufacturing Competitiveness Scheme
- Enabling manufacturing sector to be competitive through Quality Management Standards/Quality Technology Tools (QMS/QTT)
- Promotion of ICT (Information & Communication Technology) in MSME sector.
- Technology and Quality Upgradation Support to MSMEs (TEQUP)
- Marketing Assistance and Technology Upgradation Scheme
- Marketing Support/ Assistance to SMEs (Bar Code)
- Design Clinic Scheme for Design Expertise to MSME sector
- Setting up of Mini Tool Rooms
- National campaign for building awareness on Intellectual Property Rights (IPR)
- Support for Entrepreneurial and Managerial Development of SMEs through Incubators

This booklet contains the guidelines for the scheme on "Building Awareness on Intellectual Property Rights (IPR) for the Micro, Small & Medium Enterprises". This scheme is operational since August, 2008. The main objective of this scheme is to enhance awareness of MSMEs towards Intellectual Property Rights and to take measures for protecting their ideas and business strategies.

The success of NMCP depends on the active support and involvement of the State Governments, Industry Associations and other stakeholders such as technical institutions and professionals.

It is hoped that publication of the guidelines in the form of handy booklets will facilitate easier dissemination of information about the objectives of the schemes and the role and procedure envisaged for different stakeholders.

  
(Madhav Lal)



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## ABBREVIATIONS

CII	–	Confederation of Indian Industries
CV	–	Curriculum Vitae
DBT	–	Department of Biotechnology
DIP & P	–	Department of Industrial Policy and Promotion
DIT	–	Department of Information Technology
DSIR	–	Department of Scientific and Industrial Research
DST	–	Department of Science and Technology
EU-TIDP	–	European Union's - Trade and Investment Development Programme
EM	–	Entrepreneurs Memorandum
FICCI	–	Federation of Indian Chambers of Commerce and Industry
GATT	–	General Agreement on Tariffs and Trade
GI	–	Geographical Indications
GoI	–	Government of India
HRD	–	Human Resource Development
IFW	–	Integrated Finance Wing
IIFT	–	Indian Institute of Foreign Trade
IIT	–	Indian Institute of Technology
IP	–	Intellectual Property(ies)
IPR	–	Intellectual Property Right(s)
IT	–	Information Technology
JCM	–	Joint Consultative Mechanism
JPO	–	Japan Patent Office
KIPA	–	Korean Intellectual Property Agency
KIPO	–	Korean Intellectual Property Office
LT	–	Long Term
MoEF	–	Ministry of Environment & Forests
MoU	–	Memorandum of Understanding
MSME	–	Micro, Small & Medium Enterprises
NGO	–	Non-Governmental Organization(s)
NIIPM	–	National Institute for Intellectual Property Management
NRDC	–	National Research Development Corporation
PCT	–	Patent Cooperation Treaty
PFC	–	Patent Facilitation Centre
PIC	–	Project Implementation Committee
R & D	–	Research & Development
SRCs	–	Scientific/Staff Research Councils
ST	–	Short Term
TIFAC	–	Technology Information, Forecasting and Assessment Council
TRIPS	–	Trade-Related Aspects of Intellectual Property Rights
UGC	–	University Grants Commission
USPTO	–	United States Patent & Trademark Office
WIPO	–	World Intellectual Property Organization

## **GUIDELINES FOR IMPLEMENTATION OF THE SCHEME BUILDING AWARENESS ON INTELLECTUAL PROPERTY RIGHTS (IPR) FOR MICRO, SMALL AND MEDIUM ENTERPRISES**

### **INTRODUCTION**

In the changing global scenario, the issues of IPR have gained special importance for the Micro, Small & Medium Enterprise (MSME) sector. IPR protection plays a key role in gaining competitive advantage in terms of technological gains for achieving higher economic growth in a market driven economy. It is felt that IPR requires greater understanding and attention by the industry, particularly the MSME sector in India.

The Indian MSME sector needs more information, orientation and facilities for protecting their intellectual powers. While majority of the countries have adopted strategies for implementing strong IPR protection for strengthening their industries and trades. Indian industries, particularly the MSME are lagging behind in recognizing the importance of IPR and adopting IPR as a business strategy for enhancing competitiveness.

In the 2005-06 Budget an announcement has been made regarding setting up of the “National Manufacturing Competitiveness Council (NMCC)” which visualized a National Manufacturing Competitiveness Programme (NMCP) to enhance the competitiveness of the SMEs sector. One of the components of the NMCP is “Building Awareness on Intellectual Property Rights (IPR)” for the MSME. Accordingly, to enable the MSME sector face the present challenges of liberalisation, various activities on IPR are proposed under this scheme.

### **2.0 OBJECTIVE**

The objective is to enhance awareness of MSME about Intellectual Property Rights (IPRs) to take measures for the protecting their ideas and business strategies. Effective utilization of IPR tools by MSMEs would also assist them in technology upgradation and enhancing competitiveness.



### 3.0 MAIN ACTIVITIES

The main activity and funding limits proposed under this scheme cover the following broad areas of interventions:

Sl. No.	Activity	Maximum Grant per Application/ Proposal (Rs. in Lakh)
(a)	Awareness/Sensitisation Programmes on IPR	1.00
(b)	Pilot Studies for Selected Clusters/Groups of Industries	2.50
(c)	Interactive Seminars/Workshops	2.00
(d)	Specialized Training (i) Short term (ST) (ii) Long term (LT)	6.00 45.00
(e)	Assistance for Grant on Patent/GI Registration (i) Domestic Patent (ii) Foreign Patent (iii) GI Registration	(i) 0.25 (ii) 2.00 (iii) 1.00
(f)	Setting up of 'IP Facilitation Centre for MSME'	65.00
(g)	Interaction with International Agencies (i) Domestic Intervention (ii) International Exchange Programme	(i) 5.00 (ii) 7.50

### 4.0 DEFINITION AND ELIGIBILITY

Participants	Definition	Eligibility as Applicant
MSME Units:	<ul style="list-style-type: none"> <li>Units with Registration or EM credentials (subject to verification)</li> </ul>	3(e) (i) & (ii)
MSME Organizations	<ul style="list-style-type: none"> <li>Industry Association, Societies/Cooperatives/ Firms/Trust and Other Bodies Including NGOs Representing or Working for MSMEs, Research/ Technical &amp; Educational Institutions, Universities with a Track Record of Assisting MSMEs etc.</li> </ul>	3(a), (b), (c), (e)(iii), (f), (g)
Competent Agencies	<ul style="list-style-type: none"> <li>Consultancy Organizations, Research Institutes, Individual Experts or Agencies having Sound Technical and Financial Capabilities to Conduct Pilot Studies with atleast Five Years of Previous Experience</li> </ul>	3(b)

Expert Agencies	<ul style="list-style-type: none"> <li>TIFAC (Department of Science &amp; Technology), Patent Facilitation Centre, NRDC, Indian Patent Office (DIP &amp; P), Registrar of Trademark, Registrar of Geographical Indication, D.B.T., Registrar of Copyright, MoHRD, NIIPM, IITs, Law Schools, Patent Attorneys, Individual IPR Expert, WIPO, EU-TIDP, USPTO, KIPO/KIPA, IIFT, DIT, MoEF, Ministry of MSME, DSIR and other such Bodies</li> </ul>	(i) Expert agencies may be associated by the eligible applicant in organising various activities as mentioned in para 3 above. (ii) Eligibility as applicant - 3(a), (c), (d), (g)
IPR Facilitating Agencies	<ul style="list-style-type: none"> <li>Quasi-Government or Government Aided Bodies being Run on Autonomous or Commercial Lines</li> <li>Private Units Provided it is Sponsored by MSME Industry Associations</li> </ul>	3 (f) & (g),  3(f)

## 5.0 MODALITIES FOR IMPLEMENTATION, EVALUATION AND MONITORING

- (i) The whole scheme will be monitored by a Steering Committee headed by Additional Secretary & Development Commissioner (MSME), which will be the apex decision making body. The Steering Committee will provide overall guidance and directions for the implementation of this programme and will have the Additional Secretary & Development Commissioner (MSME) or Additional Development Commissioner as Chairman and representatives of:

NMCC  
 DIP & P  
 Controller General of Patents, Designs, Trademarks  
 Registrar of GI  
 DST  
 HRD  
 UGC  
 IIT  
 DSIR  
 DIT  
 DBT  
 MOEF  
 Deptt. of Agriculture & Cooperation

- (ii) It will also have representatives from Industry Association, IPR Experts, Leading IPR Attorneys, representative IF Wing and International Agencies as member. JDC (MSME) or Additional Development Commissioner (MSME) will be the Member-Secretary.
- (iii) The Committee may invite experts from outside and will meet at least once in four months. The Committee will be empowered to co-opt Members for individual meetings and hire need based Consultants as and when required.

- (iv) After wider consultations, the Steering Committee may constitute a Project Implementation Committee (PIC) under the Chairmanship of an IPR Expert or a Senior Technical Officer which will be responsible for the day-to-day implementation of the programme and recommending approval of specific proposals within the overall framework of these guidelines. The constitution of the PIC will be reviewed from time to time, to keep it sleek and effective but it will be representational taking into account the current IPR needs of the MSE sector.
- (v) The activities under the scheme as detailed in the subsequent paras will be considered and approved by the PIC specially constituted for appraisal of the proposals and recommending approvals. The decision of PIC will be placed before Steering Committee for their perusal and seeking further directions, if any for the implementation of this programme.

## 6.0 AWARENESS/SENSITIZATION PROGRAMME ON IPR

### (i) Objective:

The primary objective of these programmes is to facilitate and support MSMEs, Industry Associations and other concerned stakeholders in raising awareness on IPR related issues in general and more specifically on educating them about the value and protection of IPR and its benefits to the economy. The specific objectives of the programme for MSMEs are:

- To significantly raise the level of awareness and interest/knowledge about IPR issues.
- To develop a broad understanding of the need to integrate IP in their innovation strategies business planning.
- To improve protection of IP achievements through increased registration of rights and increased use of non-registered protection methods.
- To improve the protection and enforcement IPR from infringements.
- To enhance capacity to fight counterfeiting.

### (ii) Scope and Coverage:

The Sensitization Programmes will normally be of 1 to 2 days' duration with about 30 participants/beneficiaries. The following subject/areas to be covered in this programme :

- Introduction to IPR tools such as Patents, Trademarks, Industrial Design, Geographical Indication, Copyright, Trade secrets, Layout designs for integrated circuits, Plant breeder rights etc.
- National and International IP laws.
- Procedure for Registration.
- Fundamentals of Technology Transfer.
- Patenting and Patent law.

- IPR Policies and its Management.
- Problems of Counterfeiting and Piracy.
- Enforcement of Rights.
- TRIPS Agreement.

However, the list of subjects cited above is not exclusive and the proposals for other niche areas can also be considered. The topics may be selected keeping the requirements of target groups in view and issues of local importance should also be included wherever appropriate.

(iii) **Component of Grant:**

The Government of India will provide financial support up to Rs. 1 lakh per programme for organizing these sensitization/awareness programmes. This may cover wherever necessary, the expenses towards rent for venue, training materials, audio/video aids, TA/DA and honorarium to the Guest Faculty, expenditure on transport, purchase of stationary items, refreshment and other miscellaneous expenses. Government assistance is only for organisational expenses of the proposed event and not for capital items like equipments.

The minimum share of private partners shall be 10% of the total GoI financial support given for organizing the event.

(iv) **Funding Pattern:**

The assistance will be released in two instalments. 50% of the sanctioned amount will be released when the proposal is approved by the Project Implementation Committee (PIC) and the balance amount will be released in the shape of reimbursement after receipt of requisite audited statement of expenditure, final report of the programme and other required documents, etc.

(v) **Expert Agencies/Faculty:**

As mentioned at Sl. No. 4 above may be associated in such events.

(vi) **Applications:**

Eligible Organizations can apply in the format annexed (Annexure-I).

## **7.0 PILOT STUDIES FOR SELECTED CLUSTERS/GROUP OF INDUSTRIES**

(i) **Objective:**

To provide financial assistance to eligible applicants as mentioned in para 4 above to conduct Pilot Studies to identify the IP needs of the identified MSME clusters/industries and to recommend measures for further strengthening the IP portfolio. The specific objectives of the programme are:

- (a) To generate information and knowledge required for developing strategies and methodologies for better IP Management of specific industrial clusters (or groups)/ industries.

- (b) To suggest solutions to problems of IP Management.
- (c) To strengthen the MSME base in the multidisciplinary and emerging areas of IPR.
- (d) To suggest policy decisions relating to cluster-sector specific IP needs management.

(ii) **Scope and Coverage:**

Ministry of MSME may assign studies based on the felt needs of MSE clusters and specific Industries or invite expert agencies as mentioned at para 4 to submit proposals by providing documentary evidence of :

- (a) Having experience on executing similar jobs.
- (b) Capability to execute the job.
- (c) Infrastructure facilities.
- (d) Availability of technical expertise in the area of IPR management.

(iii) **Eligibility:**

As mentioned in para 4 above. Further, sector specific experience and in-house capability to manage the study, will be an added advantage. These applicants would be assessed broadly on the following criteria:

- Credentials of the organization and constitution.
- Core business and experience.
- Technical and managerial capability.
- Performance record in IP and related subjects.
- Methodology and work programme for the proposed assignment.
- Experience in the field of assignment and qualification of key team members to be deployed (full time & part time separately).
- Likely time period indicated to complete and submit the report.

The short listed applicants will thereafter be asked to submit proposals in two-bid system, with 'Technical' and 'Financial' bids sealed in separate envelopes, put in a bigger envelope duly sealed, before submitting the same to the designated authority.

It is clarified that even if any on industry organisation moves the proposal (on plain paper, citing its essential details), the application for GoI grant will be considered only for the Component, Agency and shall be given directly to it. The proposal of the industry organization may establish the felt need for the study, but the selection of the agency would be decided by the Project Implementation Committee (PIC).

(iv) **Component of Grant:**

The Govt. of India will provide a financial support up to Rs. 2.5 lakh per Pilot Study, primarily to cover expenses of the Expert Agencies for the conduct of the Pilot Study. The private partners i.e. the MSME cluster body shall have to provide funds equal to a minimum of 10% of the Govt's financial support, as also all other facilities and data required for the study.

(v) **Funding Pattern:**

The Govt. of India assistance will be released directly to the Expert Agency on following terms:

• Upon award of Assignment	35%
• Draft Report	35%
• Acceptance of Final Report	30%

(vi) **How to Apply:**

Eligible applicants can apply in the format provided at Annexure-II.

**8.0 INTERACTIVE SEMINARS/WORKSHOPS**(i) **Objective**

The primary objective of this activity is to provide a forum to MSME entrepreneurs, Industry Associations and others stakeholders, including professionals having working experience of MSME sector to share knowledge, experience and create mass awareness on various aspects of IPR. The specific objectives of programme, inter alia, include:

- Tailor-made Seminars/Workshops for IP needs of identified clusters/industries.
- To discuss recommendations of Pilot Studies.
- To focus on industry/cluster specific IP adoption issue.

(ii) **Scope and Coverage**

The proposals for seminars/symposia/workshops/conferences should have adequate focus on IPR related subject for generating broad understanding amongst stakeholders/beneficiaries of specific cluster/industry. The following thrust areas have been identified, which may be revised from time to time depending on the contemporary felt needs of clusters/industries:

- Introduction of IPR tools such as Patents, Trademarks, Industrial design, Geographical Indication, Copyrights, Trade Secrets, Layout designs for Integrated Circuits, Plants Breeders Rights etc.
- National & International IP laws.
- Patent laws.

- Trade Environment including bio-diversity.
- Introduction to plant variety protection and farmers rights.
- Procedure for Registration.
- Fundamentals of technology transfer.
- Management of IPR.
- Problems of Counterfeiting and Piracy.
- Enforcement of Rights.
- Success stories and best practices.
- TRIPS Agreement, Patent Cooperation Treaty (PCT).

However, the list of subjects cited above is not exclusive and the proposals in other niche area can also be considered. The topics will be selected keeping in view the target group and issues of local importance, would be included wherever appropriate. The duration of these programmes will be one – two days for about 40 participants/beneficiaries.

(iii) **Component of Grant:**

The Government of India may provide financial support up to Rs. 2.00 lakh per programme for organizing these programmes. The financial support by Gol may primarily cover expenses towards rent for venue, training materials, audio/video aids, TA/DA and honorarium to the guest faculty, expenditure on transport, purchase of stationery items, refreshment and other miscellaneous expenses. The financial assistance is only for organizational expenses of the proposed event and not for capital items likes construction, equipments, automation, etc.

The private partners, i.e., participants, industries within the cluster group or sector, or industry association, institute or chamber shall contribute (as minimum) an amount equal to 10% of the total Gol support provided for organizing the event.

(iv) **Funding Pattern:**

The assistance will be released in two instalments. 50% of the sanctioned amount will be released when the proposal is approved by the Project Implementation Committee (PIC) and the balance amount will be released in the shape of reimbursement after receipt of requisite statement of expenditure, final report of the programme and other required documents, etc.

(v) **Expert Agencies/Faculty:**

As mentioned in para 4 above may be associated in organizing such events

(vi) **How to Apply:**

Eligible organisation can apply in the format provided at Annexure-III

(vii) **Terms of Reference:**

Same as applicable in Annexure-I, except funding pattern.

## **9.0 SPECIALIZED TRAINING (SHORT/LONG-TERM)**

(i) **Introduction:**

In a present global scenario there is an urgent need for creating skilled human resources so as to build capacity and develop the MSME sector that is compatible with IPR and commercialization requirements. To achieve this objective, training programmes (both Short and Long Term duration) are proposed to be organized for enhancement of knowledge and capacity building of MSME sector in all fields of Intellectual Property.

(ii) **Objective:**

To provide technical inputs and support mechanism for facilitating efficient transfer of knowledge and skills on IPR through trainings so that different spheres of society – industries including MSME, academic and research institutions, academicians, students, entrepreneurs are benefited. One of the objectives of this programme is to increase the availability of the resource persons whose services could specifically be utilized to train/sensitize MSME sector on their specific IPR needs. The training will provide adequate knowledge to people to work in the area of IPRs by protecting their intellectual property, IP protection would help in:

- Preventing competitors from copying or closely imitating a company's products or services;
- Avoiding wasteful investment in research & development and marketing.
- Creating a Corporate identity through trademark & branding strategy and creating market value of the company.
- Protecting and securing foreign markets

(iii) **Scope and Coverage:**

The duration of the Short Term Training Programmes should be 2-3 weeks, and long term 3-6 months. The number of participants should not be less than 25 for the Short Term (ST) training programme and 20 for the Long Term (LT) training programmes. For the ST programmes the following subject coverage & category of areas should be focused.

- **Generalized Intellectual Property Management Programme:** Multi-disciplinary programmes will combine the functional areas of business management with IP economics and IP Law, role of IP as a strategic asset and tool through case studies, best IP practices, innovative pedagogy, leveraging, assist IP for enhanced and enduring competitive advantage.



- **Specialized Intellectual Property Management Programme:** To develop IP competencies in functional areas of business management and will include IP tools such as patents, trademarks, industrial designs and copyrights which can be strategically leveraged to enhance innovation, marketing or finance.
- **Specialized Intellectual Property Skills and Competence Development Programme:** Developing specific IP skills and competencies in business organizations such as drafting patent specifications, patent search and mapping, licensing and technology transfer, IP audit and valuation, IP conflict management (litigation, mediation and arbitration), methods of protecting inventions, trademarks, designs through national, regional and international systems, including PCT, etc.
- **Industry Specific Programmes:** Developing strategy for industry specific sector (e.g., pharmaceuticals, biotechnology, information technology, consumer electronics, toys) with analysis of political, economic, commercial and regulatory environment affecting the particular sector with special focus on IPR landscape.
- **Training of Trainers:** These programmes should aim at training of trainers and faculties in various legal, technical, managerial aspects of IP to enable them to develop core competency/capacity building in IP management and technology transfer/commercialization, etc.

(iv) **Long-term Training Programmes:**

3-6 months duration training programmes leading to Diplomas/Certificate will be organised by national level IP institutes/universities/law schools/technical institutions etc. These programmes will, inter alia, cover modules on fundamentals of IP, Patenting and Patent laws, licensing, management & use of technology, fundamentals of technology transfer, negotiation skills, business development, practical and comprehensive overview of legal remedies on IPR matters. Case studies and field visits will also be a part of the programme to expose participants to the best international practices and sharing of experiences, etc. These programmes will include advanced courses such as, Copyrights, Biotechnology and IP, E- Commerce and IP, Legal safeguard including Arbitration mechanism for protection of IP etc.

However, above list is not exclusive and the proposals in other niche areas can also be considered. The topics for the event may be selected, keeping in view the target group and issues of local importance wherever appropriate.

(v) **Eligibility & Grants:**

Expert Agencies mentioned at para 4 above are eligible and trainees may be from MSMEs and their relevant bodies. Students completing legal or commercial or managerial courses will also be eligible as trainees for ST courses and pass outs of these courses would be eligible for LT courses.

The Government of India will provide financial support of Rs. 6.00 lakh for organizing Short Term training programmes and Rs. 45.00 lakh as lump sum basis for organizing Long Term training programmes. The financial support by Gol will primarily cover expenses towards for Faculty/Experts, boarding & lodging of the participants, course material, field visits and other relevant expenses. The beneficiaries/Industry Associations sponsoring

the trainees will have to contribute 10% of the GoI financial support for the proposed events.

The financial assistance is only for organizational expenses of the proposed event and not for capital items, such as construction, equipments, automation, etc, and is to be sought vide Annexure-IV, where more terms and conditions have been spelt out.

(vi) **Funding Pattern:**

The assistance will be released in two instalments. 50% of the sanctioned amount will be released after the approval of the proposal by the PIC and the balance amount will be released in the shape of reimbursement after receipt of requisite statement of expenditure, final report of the programme and other required documents, etc, with 3 months of completion of the course.

## **10. FINANCIAL ASSISTANCE ON GRANT OF PATENT AND REGISTRATION UNDER GEOGRAPHICAL INDICATIONS OF GOODS**

(i) **Introduction**

Patent is an exclusive right granted by the State 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 companies to gain an exclusive right over a new product or process, develop a strong market position and earn additional revenue through licensing.

Geographical Indications (GI) are names associated with goods which identify such goods as agriculture goods, natural goods or manufactured goods as originating, or manufactured in the territory of a country or a region or locality in that territory, where a given quality, reputation or other characteristic of such goods is essentially attributable to its geographical origin. A GI cannot be created, it can only be recognized. It confirms the value of products, which already exist.

(ii) **Objective:**

To encourage MSME protects their innovation/R & D in this era of globalization, or secure their rights over their traditional product or process linked in the public mind with their locality under the GI Act.

(iii) **Scope and Coverage**

The eligible applicant as mentioned in para 4 above will be provided one time GoI financial support on grant of Patent (domestic/foreign) and on registration of their products under GI Act.

(iv) **Component of Grant**

Under this scheme, registered Indian MSME will be provided one-time financial support limited up to Rs. 25,000/- for on grant of domestic patent and Rs. 2.00 lakh for foreign

patent. For registering under the Geographical Indications of Goods Act, one time financial support will be limited up to Rs. 1.00 lakh. The support of GI will be in form of reimbursement to the applicant. The amount of grant will be restricted to actual or the ceiling mentioned above, whichever is lower.

(v) **Funding Pattern**

The applicant will submit their request for the reimbursement in the format Annexed at (Annexure-V or VI). If the application satisfies the eligibility and acceptance criteria for consideration of support, the reimbursement process will be initiated and payment will be made directly to the beneficiary.

(vi) **How to Apply**

Eligible applicants as mentioned in para 4 above can apply in the format Annexed at (Annexure-V) or (Annexure-VI) for reimbursement of patent & GI respectively. The following documents are to be provided by the beneficiaries.

- Reimbursement details.
- Product brochures.
- Number of producers in case of GI.
- Annual Report for the last 2 years (in case of firm /company).
- Copy of the registration of the applicant industries/ producers/entrepreneurs.
- Copy of the proof for grant of patent/ registration of GI by the competent authority.

## **11. ASSISTANCE FOR SETTING UP OF IP FACILITATION CENTRE FOR MSME**

(i) **Introduction**

To assist the MSMEs and other prospective entrepreneurs to have an access to best practices for identification, protection and management of IPR as a business tool.

(ii) **Objectives**

The primary objective of setting up of IP Facilitation Centre is to guide MSME and other target beneficiaries regarding utilization of IP tools and technologies for better management of their intellectual property related needs.

The specific objectives of the centre will be as under:

- To provide computerized facilities for searching/mapping, etc. with respect to patents, industrial designs, trade secrets, etc.
- To provide basic information to file an application for grant of patent, GI, industrial design, trade marks, etc.
- To facilitate successful transfer and commercialisation of technologies.
- To facilitate collaboration with potential clients for exploring possibilities for technology tie-ups and upscaling needs.

- To provide information on best IPR practices.
- To provide guidance in filing applications with national/international agencies and execution of other documents concerning to licensing technology transfer agreements, etc.
- To advise beneficiaries on legal remedies available on issues such as infringement, duplication of patent/ industrial designs, etc.

These Centres will work in close association with the National Patent Offices/ Regional Patent Offices and other National/ International Agencies administering implementation of IPR related matters.

(iii) **Scope and Coverage**

It is proposed to set up 40 IP Facilitation Centre for MSME in different regions of the country under the programme. At present Department of Science & Technology under TIFAC has set up 20 Patent Facilitation Centre (PFC) with the objective of providing technical, legal and financial support for obtaining patent and also for post-patent action in respect of inventions emanating from a research funded by DST, university, educational institutions and central/state govt., department/agency. The facilities available in the existing 20 PFCs may be leveraged to set up dedicated 'IP Facilitation Centres for MSME' with the technical collaboration of TIFAC. The IP Facilitation Centres will guide MSMEs on all IPR related issues by providing facilities mentioned above. Besides, such Centres may also be established for the identified need-based MSME clusters and other MSME sectors.

(iv) **Eligibility**

Eligible applicants as mentioned in para 4 above may submit proposal for setting up of IP Facilitation Centre in a joint collaborative mode. The project could be implemented either by the applicant acting as the implementing agency or through setting up of SPV (users body).

(iv) **Component of Grant**

The Govt. of India will provide a total financial support upto Rs. 65.00 lakh each for establishing these centres, which will include one time grant of Rs. 45.00 lakh and Rs. 18.00 lakh as recurring expenses for 3 years. The recurring expenses will be provided in the ratio of 75% , 60% and 30% over a period of 3 years (within an overall ceiling of Rs.18.00 lakh), and the remaining expenses will have to be met by the implementing agency/users body through 'users charges'. A provision of Rs. 2.00 lakh will be made towards contingencies and other miscellaneous charges.

While setting up of these centres, no liability will be created for the Gol. The financial support by Gol will primarily cover expenses of hardware/software license fee, furniture and fixtures, networking, hiring the services of external consultant & staff on contract basis, expenses for telecommunication, stationary, miscellaneous/institutional, overhead cost etc. Further, the space for setting up of these Centres would be provided/ arranged by the implementing agencies/users body.

It is expected that assets and operation of the offices will ultimately be taken by implementing agency for running them on self-sustainable basis after an initial gestation period of 3 years. These centres shall create their own funding mechanism during this period with a view to become financially sustainable over a period of time.

(v) **Funding Pattern**

The assistance will be released in instalment after approval by the Project Implementation Committee. It will be assured that the next instalment will be released after receipt of requisite statement of expenditure, final progress of the programme and other requisite documents, etc. The amount of instalment will be decided depending on the requirement of IP Facilitation Centre for MSME during their different phases of establishment.

(vi) **How to Apply**

Eligible applicants can apply in the format annexed (Annex-VII). They will also have to submit a brief project proposal containing details as mentioned in para 7 of Annex VII.

## **12. ACTIVITIES WITH THE INTERNATIONAL AGENCIES**

(i) **Introduction**

India as a developing country needs to work closely with the developed nations to promote innovation, creativity and technological advancement by providing a vivacious IPR management through cooperation in the field of capacity building activities and experience sharing. To achieve this objective, efforts will be met to develop suitable linkages and cooperation with IPR offices in developed countries and other International agencies, such as WIPO, EU, Japan Patent Office (JPO), German Patent and Trademark Office, U.S. Patent and Trademark Office (USPTO), Korea Intellectual Property Office (KIPO), etc.

Specific cooperation activities to be carried out each year will be jointly finalized in consultation with international agencies in the form of an Action Plan. The Action plan will include detailed planning for carrying out co-operation activities, including the scope of the action, administering assignment, time schedule and any other information deemed necessary. The details of the proposed course of action, broad parameters for implementing specific activities, etc may also be formalised in the form of mutual agreement/MoU.

(ii) **Objective**

Major areas for cooperation will inter-alia, include:

- Sharing IPR related information between various countries.
- Opening avenues for interaction in areas leading to acquisition of knowledge available globally.
- Building bridges to promote and strengthen bilateral ties through participation in joint R&D programmes.

- Capacity building in high-tech areas through training and exchange programmes.
- Sharing of expertise in area of science & technology to facilitate implementation of IPR in the MSME sector in India.
- Understanding the different cultural approaches to scientific research.
- Studying the best country practices on IPR and to explore the possibilities to adopt them in for the MSME in India.

(iii) **Component of Grant**

The Government of India will provide financial support up to Rs. 5.00 lakh and Rs. 7.50 per event for domestic intervention and International Exchange Programme respectively for approved specific activities as per the recommendations emerging from joint consultative process/MoU.

International IPR Agencies/Offices will also have to bear the cost of organizing such events on a sharing basis. In case of workshops/seminars, their contribution will be mainly in the form of TA/DA & other expenses of International Experts, etc. (in case of domestic events) and provisioning of necessary logistics/support, arrangement of resource persons, etc. (in case of international events). For other activities, specific sharing details would be worked out in the form of mutual agreement/MoU.

The private beneficiaries will also have to contribute 10% of Govt contribution in case of both domestic and international events.

(v) **How to Apply**

Eligible applicants as mentioned in para 4 above can apply in the format Annexed at (Annexure-VIII). Ministry of MSME may also initiate proposals for activities to cover areas of international cooperation as mentioned above.

## Annexure-I

## Form of Application for Grant of Financial Assistance for Organizing Awareness Programmes

Note: Application is to be submitted in duplicate. Incomplete application will not be entertained.

1. Name of the organization with complete postal address with Telephone No., Fax No. and E-mail ID.
2. Whether registered or approved under any Act or Regulation (to be specified) and the date thereof (please enclose a copy of the Registration Certificate).
  - (i) Particulars of the present members of Executive Body/Board of Management, date on which it was constituted and tenure.
  - (ii) Name of the person and his/her designation nominated/authorized to act on behalf of the organization.
  - (iii) Name of the Project Director, his Telephone Number, Fax Number, Mobile Number and E-mail ID.
3. A brief note on work done on IPR issue or for the benefit of MSME sector.
4. Details of the target Group geographical coverage and expected benefits.
5. Budget & item-wise cost break-up, with justification (Attach).
6. Tentative date and Venue for organizing the programme.
7. Is it proposed to receive grant/grants from any other source for the same purpose or activity to which this application pertains? If so, details thereof.
8. Information relating to the grants received/or likely to be received from this office for any other activity. (If any grant had been received in the past, details thereof with file/letter No. of the Commission–Copy).
9. Additional information, if any.
10. List of documents attached:
  - (i) Certified copy of Registration Certificate.
  - (ii) Certified copy of Memorandum & Articles of Association, where applicable.
  - (iii) Certified copy of Audited Statement of Accounts for the last two years.
  - (iv) Annual Report for the last two years.
  - (v) *Details of Expenditure* — Document giving an undertaking to properly conduct the Programme and in case the programme is not organized, to return the cheque/refund the advance given by the Commission.

Signature & Designation  
With seal/stamp

## TERMS AND CONDITIONS

- (i) The financial assistance will only be used for organizing the event/activity approved.
- (ii) The assistance will be released in two instalments. 50% of the sanctioned amount will be released immediately after the proposal is approved on receipt write-up on programme, venue, item-wise budget estimates, likely number of participants and relevant documents.
- (iii) The balance amount will be released after the submission of : (i) Utilization certificates from the Chartered Accountant, (ii) Statement of Accounts, (iii) Original vouchers, (iv) Report of the Resource Persons of the programme, and (v) List of participants to be submitted in a month's time from the date of organising the Awareness Programme.
- (iv) No equipment/asset will be purchased out of the assistance.
- (v) Unspent portion of the assistance will be refunded.
- (vi) In the event of violation of any of the terms and conditions of sanction, the organization will have to refund the entire sanctioned amount on demand or such part thereof along with penal interest as per the Government rates.



## Annexure-II

## Application Form for Conducting Pilot Studies

1. Name of the Institute/Organization \_\_\_\_\_
2. Full particulars of the Institute/Organization
  - (i) Constitution \_\_\_\_\_
  - (ii) Ownership \_\_\_\_\_
  - (iii) Organizational structure \_\_\_\_\_
3. Main activities of the prospective consultant  
(Including details of full time professionals) \_\_\_\_\_
4. Annual reports or audited accounts (for the last two years) \_\_\_\_\_
5. Names and short CVs of the full time & part time researchers proposed to be involved in the work \_\_\_\_\_  
(The CVs would need to be backed by written commitment of the persons about the availability of his/her service.)
6. Details of major assignments of similar nature undertaken during the last five years \_\_\_\_\_
7. List of documents to be attached:
  - (i) Certified copy of Registration or Equivalent Certificate.
  - (ii) Certified copy of Memorandum Articles of Association or Rules/Regulation, as applicable.
  - (iii) Certified copy of Audited statement of Accounts for the last two years.
  - (iv) Annual Report for the last two years.
  - (v) *Details of Expenditure* — Document giving an undertaking to properly conduct the Programme and in case the programme is not organized, to return the cheque/refund the advance given by the Commission.
8. Other terms and conditions will be same as stated in Annex-I, except Funding Pattern.

Signature & Designation  
With seal/stamp

## Annexure–III

Form of Application of Grant of Financial Assistance for  
Organizing Seminars/ Symposia/Workshops/Conferences

1. Title of the proposed Seminars/Symposia/Workshops/Conferences.
2. Venue and Proposed date
3. Target group, No. of Participants and Benefits.
4. Name and Address of Organization/Institute Organizing the event.
5. Activity of the Organization/Institute.
6. Name of the chairperson and members of the organizing committee, if any.
7. Category in which the organizing Institution falls:
  - (i) Registered Society or similar body.
  - (ii) Academic Institution.
  - (iii) Government departmental organization.
  - (iv) Others (please specify).
8. Details of Affiliates, if any (Attach statement).
9. Name of Expert & Qualifications or Export Agency involved.
10. Additional Information i.e. proposed expenditure & grant (Attach).
11. List of Documents Attached:
  - (i) Certified copy of Registration or Equivalent Certificate.
  - (ii) Certified copy of Memorandum Articles of Association or Rules/Regulations, etc., as applicable.
  - (iii) Certified copy of Audited statement of accounts for the last two years.
  - (iv) *Details of Expenditure* — Document giving an Undertaking to properly conduct the Programme and in case the programme is not organized, to return the cheque/refund the advance given by the Commission.
12. Other terms and conditions will be same as stated in Annex-I, except Funding Pattern.

Signature & Designation  
With seal/stamp

## Annexure-IV

## Form for Organizations/Institutions Submitting Proposal for Conducting IPRs Short Term/Long Term Training Programme for MSMEs Sector

1. Name of Organization/Institution \_\_\_\_\_
2. Address \_\_\_\_\_
3. Phone Number \_\_\_\_\_  
(i) Fax \_\_\_\_\_ (ii) E-mail \_\_\_\_\_
4. Head of the Organization/Institution \_\_\_\_\_
5. Nodal Person on IPR Related Matters \_\_\_\_\_
6. Brief Profile of the Organization/Institution (Attach)
7. Brief Note on Proposed Training, including summary/abstract of Course & Faculty (Attach)
8. Documentary evidence for conducting same/similar type of training course/programme (if any) (Attach)
9. Whether the institution or organization is recognized by the Government or any statutory body or Board if so, reference number \_\_\_\_\_
10. Whether affiliated to any recognized university or deemed to be university or similar organization, if so, the name \_\_\_\_\_
11. Full justifications with activity-wise details (including cost) will be necessary for the estimates of expenditure (Attach)
12. A statement of training grants received during the last three years from the State Governments/ Central Government or other bodies, indicating in each case:
  - (i) The purpose for which the grant was obtained/how utilized.
  - (ii) Progress made in the Programme for which assistance was given.
  - (iii) Whether all conditions to previous assistance was duly observed.
13. List of documents to be attached.
  - (i) Proof against Sl. No. 6 to 12 above.
  - (ii) The latest available Annual Report, if any.
  - (iii) A copy of the audited accounts of the institution for the previous two financial years together with a copy of the last balance sheet, if any.

Signature & Designation  
With seal/stamp

## TERMS &amp; CONDITIONS FOR GRANT/ASSISTANCE FOR APPLICANTS

- (i) The organization/institution/industry body should be recognized by the Government of India.
- (ii) Educational/technical/research institutes should be a recognized one by a State or Central Government or be a university/institution duly accredited by the Competent Authority.
- (iii) The organization receiving grant shall have to give an undertaking that no grant-in-aid has been received from any other authorities of the Central or State Governments and that a grant-in-aid for the same purpose has not been applied for by the organization to any of those authorities.
- (iv) The organization shall have to give an undertaking that the grant shall be utilized for the purpose, and only for the purpose, for which it is sanctioned. Failure to do so shall render the organization liable to refund to the Government the grant in full with such interest thereon as the Central Government may decide.
- (v) Separate accounts for the grant will be maintained and any information sought by the Government of India will be furnished within the stipulated time.
- (vi) Utilization Certificate certifying that the amount has been utilized for the purpose for which it was sanctioned, and duly supported by a statement of audited accounts, from a Chartered Accountant, shall be furnished within 3 months from the date of completion of the course.
- (vii) Grant under this scheme shall not be given for meeting previous liabilities or debts.
- (viii) Government of India reserves the right to reject any application for grant without assigning any reason at any stage.

The grantee in receipt of the grant under the scheme shall be liable to refund full grant with interest thereon as determined by the government, in case of failure to fulfil any of the terms and conditions of the grant.

## Annexure-V

## Format of Application for Financial Assistance on "Grant of Patent"

## APPLICATION FORM

## Part-1. Applicant Information

1.1	Type of Applicant Organization	SME		Start-ups		
√ Tick Appropriately						
1.2	Number of patents already filed / granted	National		International		
1.3	Number of Patents filed before under this scheme (if any)					
1.4	Name and Address of Applicant Company					
1.5	Registration Number of the Applicant Company with the concerned Govt. Ministry/Deptt. :					
1.6	Name of the Company as per the registration					
1.7	Website Address, if any					
1.8	Nature of Company's Principle Business Activity					
1.9	Name of contact person					
1.10	Contact Numbers					
1.11	Email address					
1.12	Indian Application Filing Number and Date	Number :	Date of Filing			
1.13	Name and details of Inventor(s)	No.	Name	Qualification	Age	Designation
		1.				
		2.				
		3.				
		4.				
1.14	Is R&D for Invention indigenous i.e. developed in house/Collaborative					
1.15	If Collaborative, give details of the type of Collaboration					

**Part-2. Invention/Patent Information**

2.1 Title of Invention

2.2 Brief Description of Invention

2.3 Technical/other fields of Inventions

2.4 Advantage(s) of Inventions:

2.5 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):

2.6 Brief description of commercialization plans or commercialization status for the invention. Anticipated revenues from commercializing the invention:

2.7 Potential markets and the basis for the same:

## Part-3. Details of Patent Agent/Attorney

3.1	Name of Patent Agents/ Attorney Firm :		
3.2	Contact Person and his contact Number:		
3.3	No. of years in handling international patents:		
3.4	Address of the firm:		
3.5	Is the International application already filed?	Yes	No
3.6	Route of Filing	PCT	Conventional
3.7	Countries Filed or Proposed		

## DECLARATION

Declaration by the Head of the Applicant Company

I/we, the undersigned, hereby declare that:

The particulars (and all the documents attached herewith) in this application are true and correct to the best of my/our knowledge, and I/we have not wilfully suppressed any material /fact, which will render this application invalid. If application is accepted, I/we shall provide the Utilization Certificate (in prescribed format) on biannual basis or before the next release. In case of any dispute/problem, the decision of Secretary (MSME) shall be final and binding on us. Ministry of MSME shall have the right to recover from this organization to entire funds released in the event that I/we have breached any of the above conditions.

Signature and Seal of the  
Executive Head of  
Applicant

Company	Date

Name (in Block Letters)

--

Citizenship

--

## Annexure–VI

## Form of Application for Grant of Financial Assistance for GI Registration

1. Name and Address of organization/producers.
2. Activity of the organization/Institute.
3. Name of the Chairman and Member of Organizing Committee, if any.
4. Category in which the organizing Institution falls:
  - (i) Registered Society or similar body.
  - (ii) Others (please specify).
5. Name of the Geographical Indicator (& particulars)
6. Number of Producers.
7. The advantages of registration.
8. Designation of the country of origin of GI
9. Details of the registration certificate, issued by the competent authority.
10. Name & address of the patent agent/attorney firm.
11. List of Documents Attached:
  - (i) Certified copy of Registration or equivalent Certificate.
  - (ii) Certified copy of Memorandum Articles of Association or Rules/Regulation etc. (if applicable).
  - (iii) Certified copy of Audited statement of accounts for the last two years, if applicable.
  - (iv) Annual Report for the last two years, if applicable.
  - (v) An affidavit and how to applicant claim to represent the interest of the association of persons/producers.

Signature & Designation  
With seal/stamp



## Annexure–VII

Form of Application for Grant of Financial Assistance for Setting up of  
IP Facilitation Centre for MSME

1. Title of the proposed project.
2. Name and Address of organization/institute.
3. Activity of the organisation/Institute, number and size (also in terms of installed capacity) of units and number of units.
4. Name of the chairperson and members of the organizing committee, if any.
5. Category in which the organizing institution falls:
  - (i) Registered Society or similar body.
  - (ii) Academic Institution.
  - (iii) University College/Technical Institutions.
  - (iv) Quasi-Government or Government aided body.
  - (v) Others (specify).
6. Details of Affiliates, if any (Attach statement).
7. Details of proposed project:
  - (i) Objectives.
  - (ii) Duration.
  - (iii) Target groups (including areas to be covered under the project).
  - (iv) Major activities to be undertaken.
  - (v) Is there any other organization providing similar facilities in the adjoining areas. If so, the details thereof and justification for setting up of similar facility.
  - (vi) Project highlights (a brief project report may be submitted).
  - (vii) Proposed costs and time frame (Activitywise costing/expenditure).
  - (viii) Structure of Implementing Agency (IA)/SPV (users body).
  - (ix) Previous track record of MSME initiatives pursued by IA/SPV (users body) need to be highlighted with support documents.
  - (x) Revenue generation mechanism for sustainability of assets (service/user charges to be levied, any other to be specified).
  - (xi) Project implementation schedule and completion period.

- (xii) Benchmarking impact of proposed interventions with regard to international competition (one section of the proposal should be devoted to highlight the likely impact of the project on beneficiary enterprises vis-à-vis export/global competition, particularly with regard to tradable (any product that may be conventionally exported or imported).
  - (xiii) Mechanism for monitoring the progress of the centre in assisting MSME.
8. Any Additional Information giving justification for the project.
  9. List of Documents Attached:
    - (i) Certified copy of Registration or equivalent Certificate.
    - (ii) Certified copy of Memorandum Articles of Association or Rules/Regulations etc. (if applicable).
    - (iii) Certified copy of Audited statement of accounts for the last two years, if applicable.
    - (iv) Annual Report for the last two years, if applicable.
    - (v) Document giving an undertaking to properly conduct the programme and in case the programme is not organized, to refund the advance given by Government.

Signature & Designation  
With seal/stamp

### TERMS AND CONDITIONS

- (i) The financial assistance will only be used for setting up of IP Facilitation Centre.
- (ii) The assistance will be released in instalments depending on the progress of the centre. First instalment will be released after the proposal is approved on receipt of write-up on programme, venue, budget estimates item-wise, etc.
- (iii) The balance amount will be released after the submission of: (i) Utilization certificates from the Chartered Accountant, (ii) Statement of Account, and (iii) Original vouchers and progress made in terms of envisaged deliverables.
- (iv) Unspent portion of the assistance will be refunded to the Office of DC (MSME).
- (v) Separate accounts of the Programme will be maintained and the same will be subjected to test check by the PIC through its representative.
- (vi) In the event of violation of any of the terms and conditions of sanction, the organization will have to refund the entire amount sanctioned, to the Commission on demand or such part thereof along with penal interest as per the government rates.
- (vii) The office of DC (MSME) may lay down any other condition prior to the release of the assistance.

## Annexure–VIII

## Form for Organization/Institution Submitting Proposal for Activities with the International Agencies for MSMEs Sector

1. Name of Organization/Institution \_\_\_\_\_
2. Address \_\_\_\_\_
3. Phone Number: \_\_\_\_\_  
(i) Fax \_\_\_\_\_ (ii) E-mail \_\_\_\_\_
4. Head of the Organization/ Institution \_\_\_\_\_
5. Nodal Person on IPR Related Matters \_\_\_\_\_
6. Brief Profile of the Organization/Institution, along with its current status \_\_\_\_\_  
\_\_\_\_\_
7. Brief on the work done as IPR related issues or for the benefit of MSME sector \_\_\_\_\_  
\_\_\_\_\_
8. A statement of grants received during the last three years from the State Governments/Central Government or other bodies indicating in each case:
  - (i) The purpose for which the grant was obtained
  - (ii) How it was utilized
  - (iii) Progress made in the Programme for which assistance was given
  - (iv) Whether all conditions to previous assistance were duly observed.
9. Any previous experience of working in collaboration with International agencies in the area of IPR/and/or for the benefit of MSME sector.
10. Activities proposed with the International agencies.
11. Complete details of the international agency.
12. Whether the proposed activities are covered by an agreement/MoU with the international agency. If so, details thereof.
13. Brief details on the advantage in undergoing activities with the international agencies.
14. Whether interacted in the past with the International agencies, details thereof.
15. List of documents to be attached:
  - (i) Full justifications with details for the estimates of expenditure.
  - (ii) An undertaking that once the estimates of expenditure are approved as reasonable and the grant assessed on the basis of these estimates, they shall not be modified by the institution without prior approval of the sanctioning authority of the grant.
  - (iii) The latest available Annual Report, if any.
  - (iv) A copy of the audited accounts of the institution for the previous two financial years together with a copy of the last balance sheet, if any.

Signature & Designation  
With seal/stamp

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[illegible]



Development Commissioner  
Micro, Small & Medium Enterprises  
Government of India  
Nirman Bhawan, New Delhi-110 108  
[www.dcmsme.gov.in](http://www.dcmsme.gov.in)