



**INTELLECTUAL
PROPERTY INDIA**

PATENTS/DESIGNS/
TRADE MARKS/
GEOGRAPHICAL
INDICATIONS.



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CG/F/Start-up/Guidelines/2016 / 79

Dated 8-6-2016

Public Notice

Guidelines for Facilitators and Start-ups for filing and processing applications for Patent, Designs and Trade Marks

In respect to the *Scheme for Facilitating Startups Intellectual Property (SIPP)* announced by the Government of India and the list of facilitators published for the purpose, references have been received regarding the procedure to be adopted for filing/ processing of startups' applications for Patents , Designs and Trademarks and fees to be paid to the facilitators in respect thereof.

Accordingly,, it is clarified as follows:

1. Patents:

- i. A start- up willing to file a patent application for his invention shall select a facilitator from the list of facilitators published on the official website of CGPDTM i.e. www.ipindia.nic.in and contact him directly for preparation of application. If the startup is unable to select a facilitator, it should contact the Head of Office of the respective Patent office as per jurisdiction, who shall provide 3 names of facilitator and the startup shall finalise the name of Facilitator.
- ii. The facilitator after assessing the patentability of the invention and other aspects as per Patents Act and Rules and being satisfied that the application for patent can be filed, shall draft the patent specification in consultation with the start up.
- iii. Thereafter, the Facilitator shall file a complete Patent specification at the appropriate Patent Office on behalf of the start- up as per jurisdiction by following the prescribed procedure under the Patent Act and Rules.
- iv. Fee for filing patent application and other statutory fees, as per First Schedule, shall be borne by the start up.
- v. After a patent application is received by the Patent Office the facilitator shall submit the claim for fees as per the fee schedule given in SIPP Scheme. A letter addressed to the Head of Office of the respective Patent Office, giving details of claimed fee for drafting of application and his ID proof as a Registered Patent Agent, shall be submitted along with the invoice .

- vi. The Head of Office shall verify the ID of the facilitator and ascertain the suitability of payment and arrange for the payment of fee to the facilitator after receiving such claim from the facilitator.
- vii. Simultaneously with making the payment to the facilitator, the Head of Office shall forward to the Office of the CGPDTM the details of the application and payment made to the facilitator.
- viii. The facilitator shall monitor and perform further steps of proceedings of startup's patent application, prepare the reply to any query from Patent Office, attend the hearings, etc. and shall file the relevant documents in the Patent Office by following the time line, as and when required, on behalf of the startup and may submit the claim for payment of the fee as per the fee schedule of SIPP Scheme as per the procedure elaborated above.

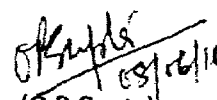
ix. **Designs :**

For filing and processing applications for designs, the list of Facilitators for Patents will be applicable and the procedure for claiming the fees by the Facilitator, after he files the design application for a startup as per the designs Act and Rules, shall be as elaborated above.

x. **Trade Marks:**

For filing and processing applications for trademarks, the list of Facilitators for Trademarks will be applicable and, after filing a trademark application for a startup as per the Trade Marks Act and Rules, the Facilitator shall submit the claim for payment of fees to the respective Head of Office of the Trade Marks Registry who shall follow the procedure as elaborated under para vi and vii.

For any query regarding filing of applications, payment of fees and procedural issues, a facilitator/startup may contact Dr.W.M.Dhumane, Office of Controller General of Patents, Designs and Trademarks on e-mail: wm.dhumane@nic.in or phone (+91 22 24112244).


(O.P.Gupta)
CGPDTM

Scheme for Facilitating Startups Intellectual Property Protection (SIPP)

Introduction

Intellectual Property Rights (IPRs) are emerging as a strategic business tool for any business organization to enhance industrial competitiveness. Startups, with limited resources and manpower, can sustain in this highly competitive world only through continuous growth and development oriented innovations; for this, it is equally crucial that they protect their IPRs. The scheme for Startups Intellectual Property Protection (SIPP) is envisaged to facilitate protection of Patents, Trademark and Designs of innovative and interested startups.

Vision

To protect and promote Intellectual Property Rights of startups and thus encourage innovation and creativity among them.

Objective

The scheme of SIPP aims to promote awareness and adoption of Intellectual Property Rights amongst startups. Scheme is inclined to nurture and mentor innovative and emerging technologies among Startups and assist them in protecting and commercialize it by providing them access to high-quality IP services and resources.

Who Can Apply

Any startup recognised in terms of explanation 5 of the Notification GSR 180(E) published in the Part II, Section 3, Sub Section (i) of the Gazette of India dated 17.2.2016.

It is further clarified that an entity shall be considered a 'startup' if it meets the terms and conditions laid down in the above mentioned notification.

The startups covered under this scheme will not be required to obtain certificate of an eligible business from the Inter-Ministerial Bard of Certification.

Appointment of Facilitators

For effective implementation of the scheme, facilitators shall be empanelled by the Controller General of Patent, Trademark and Design (CGPDTM). The CGPDTM shall regulate conduct and functions of empanelled facilitators from time to time.

In case of any complaint by a startup about a facilitator or on getting information about professional misconduct through any source, the CGPDTM can remove the facilitator from the panel.

Who can be a Facilitator

- i. Any Patent Agent registered with the CGPDTM.
- ii. Any Trademark Agent registered with the CGPDTM.

- iii. Any Advocate as defined under The Advocates Act" 1961 who is entitled to practice law as per the rules laid down by Bar Council of India from time to time, who is well-versed with the provisions of the relevant Acts and Rules, and is actively involved in filing and disposal of applications for patents, trademarks and designs.
- iv. Government departments/ organizations/ agencies like TIFAC, NRDC, BIRAC, DEITY, DSIR etc.

Functions of Facilitators

Among other functions as may be decided by the CGPDTM, facilitators will be responsible for:

- Providing general advisory on different intellectual property rights to startups on pro bono basis,
- Providing information on protecting and promoting IPRs to startups in other countries on pro bono basis,
- Providing assistance in filing and disposal of the IP applications related to patents, trademarks and Design under relevant Acts at the national IP offices under the CGPDTM
- Drafting complete provisional specifications for inventions of startups,
- Preparing and filing responses to examination reports and other queries, notices or letters by the IP office,
- Appearing on behalf of startup at hearings as may be scheduled,
- Contesting opposition, if any, by other parties, and
- Ensuring final disposal of the IPR application.

Fees of Facilitators

Following fees structure will be applicable to the empanelled facilitators, for any number of patents, trademarks or designs that may be applied for by a startup. The facilitator shall not charge anything from the Startup or the entrepreneur, and this fees shall be paid directly to the facilitator by the Central Government through the office of the CGPDTM. This structure may be revised from time to time by the Department of Industrial Policy and Promotion.

(Figures in ₹)

Stage of Payment		Patent	Trademark	Design
At the time of filing of Application		10,000	5,000	2,000
At the time of final disposal of Application	Without Opposition	10,000	2,000	2,000
	With Opposition	15,000	5,000	4,000

Note: If any application is withdrawn or abandoned before disposal of application, facilitator shall be entitled to fees only for filing of application and not for disposal of application.

Statutory Fees

The cost of the statutory fees payable for each patent, trademark or design applied for in India or abroad by a startup after launch of this scheme shall be borne by the startup itself.

Period of Scheme

The scheme shall be run initially on a pilot basis, and shall be applicable for a period of 1 year from the date of launch of Startup India.

Budget

The budget for the scheme shall be provided from the funds available with the Department.

Ownership of IPR

This scheme shall in no way transfer, either wholly or partially, ownership rights on the IPR created to the facilitator or the Government, and the Startup shall have full rights on the IP generated.

Disclaimer

The scheme does not in any way entitle the startup or the facilitator to grant or registration, as the case maybe, of the IPR; the applications shall be disposed off as per the relevant laws and rules.