

## **Scheme for Facilitating Start-Ups Intellectual Property Protection (SIPP)**

### **Introduction**

Intellectual Property Rights (IPRs) are emerging as a strategic business tool for any business organization to enhance industrial competitiveness. Start-Ups, 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 Start-Ups Intellectual Property Protection (SIPP) is envisaged to facilitate protection of Patents, Trademark and Designs of innovative and interested Start Ups.

### **Vision**

To protect and promote Intellectual Property Rights of Start-Ups and thus encourage innovation and creativity among them

### **Objective**

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

### **Who can apply**

Any Start-Up certified by the Start-up Certification Board as having an innovative business.

For this purpose, Start-up means an entity, incorporated or registered in India not prior to five years, with annual turnover not exceeding INR 25 crores in any preceding financial year, working towards innovation, development, deployment or commercialization of new products, processes or services driven by technology or intellectual property.

*provided* that such entity is not formed by splitting up, or reconstruction, of a business already in existence.

*provided* also that an entity shall cease to be a Start-up if its turnover for the previous financial years has exceeded INR 25 crore or it has completed 5 years from the date of incorporation/registration.

*provided* further that a Start-up shall be eligible for availing the benefits of this scheme only after it has obtained certification from the Start-up Certification Board.

### **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.

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This document has been compiled as service to our clients. We recommend that you seek professional advice prior to initiating action on specific issues.

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In case of any complaint by a Start-Up 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 Start-Ups on pro bono basis
- Providing information on protecting and promoting IPRs to Start-Ups 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 Start-Ups,
- Preparing and filing responses to examination reports and other queries, notices or letters by the IP office;
- Appearing on behalf of start-up 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 Start-Up. The facilitator shall not charge anything from the Start-Up 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.

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	10,000/-	5,000/-	4,000/-

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	<b>Opposition</b>			
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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 Start-Up after launch of this scheme shall be borne by the Start-Up 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 Start-Up 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 Start-Up shall have full rights on the IP generated.

### **Disclaimer**

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

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