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HARYANA GOVERNMENT INDUSTRIES AND COMMERCE DEPARTMENT

Notification

The 8th June, 2021

No. 25/05/2020-4IB-I.— In pursuance to the provision under Chapter 14 of the Haryana Enterprises & Employment Policy-2020 notified in Gazette *vide* No. 25/05/2020-4IB-I dated 29.12.2020, the Governor of Haryana is pleased to notify the “Patent Registration Scheme” for Micro, Small & Medium Enterprises located in the State. The scheme will consist of the following provisions:

1. Objective

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

2. Quantum of Assistance

Financial support by reimbursement of 100% of the actual expenses (including filing fees, consultancy fees, search fees, maintenance fees and Publishing fees) with a maximum of INR 25 lakhs for domestic and international patent registrations.

3. Commencement and Applicability

The Scheme shall commence with effect from 01.01.2021 for providing assistance for obtaining patent registration on their products and shall remain in operation for a period of 5 years. MSMEs which have acquired patent registration on or after 01.01.2021 and before 31.12.2025 shall be eligible under this scheme.

4. Eligibility Criteria

The Industrial Units must comply for the following conditions at the time of application:

- (i) The unit should have filed Udyam Registration Certificate (URC) and Haryana Udhyaam Memorandum (HUM) on the portal for the statistical purpose, at any stage.
- (ii) The item of manufacture of the unit should not fall in the restrictive list as notified by the State Government from time to time.
- (iii) The unit should have obtained NOC/CLU from competent authority, if applicable.
- (iv) The unit should be in commercial production.
- (v) The unit should be in regular production at the time of disbursement and the assistance shall not be released to the closed unit.

5. Procedure

- a. Application on prescribed Form (Annexure-I) for the reimbursement of expenses incurred in acquiring patent registration along with listed documents would be submitted to the Director/ Director General, Micro, Small and Medium Enterprises on the web portal of the Department.
- b. The application would be processed and examined by the Joint Director/Deputy Director, District MSME Centre. He will be responsible for scrutiny and shall clearly recommend for approval/rejection of the claim after conducting the inspection of the unit. The deficiencies, if any, would be communicated to the applicant on-line within a period of 07 days and the applicant would be given a time period of 10 days to rectify the deficiencies so pointed out.
- c. In case the deficiencies are not removed within the prescribed period, the claim shall be filed by the Competent Authority, under intimation to the party through e-mail. The enterprise shall not be required to submit any additional document other than those specified under Annexure-I unless required for establishing genuineness of the claim.

6. Time Limit to apply

An applicant shall forfeit its entitlement for the reimbursement of the expenses incurred in acquiring patent registration, if it does not submit its claim, complete in all respects within 03 months from the date of patent registration or from the date of notification of the scheme, whichever is later.

7. Competent Authority for sanction

The Director/ Director General, Micro, Small and Medium Enterprises shall be competent authority for sanction of the subsidy within 30 days from the date of completion of the claim.

8. Interpretation/ Clarification

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

9. Appeal

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

10. Power to condone delay in submission of application & appeal:

- (a) The Director/ Director General, Micro, Small and Medium Enterprises Haryana shall be competent to condone the delay up to a period of 03 months after the prescribed time limit.
- (b) The Administrative Secretary, Industries & Commerce, Haryana shall be competent to condone the delay up to a period of 06 months after the prescribed time limit.

Provided that the competent authority is satisfied with the reasons of late submission of the application on the basis of the substantial evidence/documents/ arguments presented by the applicant.

11. Penal Action

At any time if it is found that assistance from the State Government has been availed on the basis of any false information, the applicant shall besides refunding assistance with compound rate of interest @ 12% per annum and facing legal action, will be debarred from grant of any incentives/assistance from the State Government. If the applicant fails to refund the subsidy amount with interest, then the amount shall be recovered as arrear of land revenue. The applicant shall be debarred from public procurement as a result of mismatch in facts and figures.

12. Service Delivery Timeline

S. No.	Tasks	Time limit (working days)
1	Letter of Approval	30 days
2	Letter of Sanction	07 days
3	Disbursement	07 days

VIJAYENDRA KUMAR,
Principal Secretary to Government Haryana,
Industries and Commerce Department.

Annexure-I**Format of Application for Financial Assistance for Patent Registration. Part-1**

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

Part-2 Invention/Patent Information

14	Title of Invention	
15	Brief Description of Invention	
16	Technical/other fields of Inventions	
17	Advantage(s) of Inventions	
18	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):	
19	Brief description of commercialization plans or commercialization status for the invention. Anticipated revenues from commercializing the invention	
20	Potential markets and the basis for the Same	

Part-3 Details of Patent Agent/Attorney (if any)

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

Part-4 Details of Financial Assistance

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

31. Self-attested copies of documents to be attached with the application:

- i. Copy of Udyam Registration Certificate (URC) and Haryana Udhyam Memorandum (HUM).
- ii. Certificate of Incorporation/ Partnership deed/Partnership registration/ Co-operative society registration.
- iii. Board resolution/ Power of attorney
- iv. Change of Land Use (CLU)/ NOC from competent authority, if applicable.
- v. Copy of Patent Registration certification.
- vi. Undertaking/Declaration on non-judicial stamp paper(Annexure-II).
- vii. CA certificate of Expenditure (in original) giving details(Annexure-III).
- viii. Copy of the bills raised by certifying agency and proof of payment thereof, product brochures.
- ix. Copy of GST return/Audited Balance Sheet for last financial year.

Signature of the applicant
(with seal)

Annexure-II

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

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

2. The unit will be liable to refund excess subsidy/assistance, if any released due to omission or pointed out by the Audit team of Principal Accountant General, Haryana.

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

Dated:

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

Annexure-III

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

To whom it may concern

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

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

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

AND

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

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

Date-----

UDIN No.-----

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