

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.

The Scheme was run on a pilot basis initially, and was in force up to 31-3-2017. The scheme is now being extended further for a period of three years. However, based on the experience gained from implementation of the scheme so far, certain aspects of the scheme have been amended.

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 the notification GSR 180(E) published in the Part II, Section 3, Sub Section (i) of the Gazette of India dated 17.2.2016, as may be amended from time to time.

The Certificate of Recognition given by DIPP may be verified from the Startup India web portal <http://www.startupindia.gov.in>.

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

However, startups will be required to give a self-declaration that they have not availed funds under any other Government scheme for the purpose of paying the facilitator/ patent agent/ trademark agent for filing and prosecuting their IP application.

Empanelment of Facilitators

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

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 refusal by facilitator to provide services to the startup or on getting information about professional misconduct through any source, the CGPDTM can remove the facilitator from the panel without notice.

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 trademarks.
- iv. A government department/ organization/ agency or CPSU (like TIFAC, NRDC, BIRAC, MeitY, CSIR etc.) through an authorised representative.

However, it is to be clarified that the IP application has to be signed by a person authorized to do so under the provisions of the relevant Act and Rules.

Functions and duties 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 provisional and complete patent 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.

Period of Scheme

The scheme shall be applicable for a period of 3 years w.e.f. 1st April 2017.

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 and disbursed by the respective IP office.

This structure may be revised from time to time by the Department of Industrial Policy and Promotion.

(Figures in Rs.)

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

Notes for Payment of Fees to facilitators:

- A facilitator shall claim the fee from the IP office as per the stage of work completed.
- The bill for claim of fee shall be accompanied by the self-declaration from the concerned startup that it has not availed of funds from any other Government scheme for the purpose of paying the facilitator/ patent agent/ trademark agent for filing and prosecuting their IP application.
- 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.
- For claiming the reimbursement of fees, the facilitator shall submit an invoice to the respective IP Office mentioning the Registration ID No. obtained from DIPP for the startup in respect of which the IP application is filed by the facilitator.
- In the case of a Trademark application, final disposal of the application implies registration of the Trademark or final rejection of the application (except through withdrawal or abandonment), as the case may be.

Statutory Fees

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

Budget

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

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.
