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HARYANA GOVERNMENT INDUSTRIES AND COMMERCE DEPARTMENT

Notification

The 23rd July, 2024

No. 25/05/2020-4IB1.— In pursuance to the provision under Section 2 (Sub-Section 2.2 (b)) of the Haryana State Startup Policy 2022 notified vide No. Admn/459/1SIT/17601 dated 07th July 2022, the Governor of Haryana is pleased to notify the “*Patent Cost Reimbursement Scheme*” for the Startups registered under the Haryana State Startup Policy 2022. The Scheme related to “Reimbursement for Patent cost” will be as under:

1. Objective

- (i) A Patent is a statutory right for an invention granted for a limited period of time to the patentee by the Government, in exchange of full disclosure of his invention for excluding others, from making, using, selling, importing the patented product or process for producing that product for those purposes without his consent.
- (ii) The State Government intends to promote Patent registrations amongst Startups to protect their innovation in the era of globalization and secure their rights over their products and processes.
- (iii) Through this scheme, the State government intends to provide support in the form of “Reimbursement for Patent Cost” to eligible Startups based in Haryana and facilitate the growth of Startups in the State of Haryana.

2. Quantum of Assistance (Reimbursement for Patent cost):

- (i) Financial support by reimbursement of 100% eligible expenses with a maximum of INR 25 Lakhs for domestic and international patent registrations as detailed below:
 - a. Each Startup will be eligible to claim a reimbursement of up to INR 3 Lakhs per national patent and up to INR 10 Lakhs per international patent subject to a maximum of INR 25 Lakhs cumulative for all the domestic and international patent(s) granted during a period of 5 years from the date of notification of the Haryana State Startup Policy 2022.
- (ii) Activities covered: The activities that are covered as part of this scheme are Provisional Patents Filings, Filing, Patent Search, Drafting & Claims Preparations. The scheme is available only for Patent granted and does not cover Trademarks, Copyrights, or any other Intellectual Property Rights.
- (iii) Eligible Reimbursement(s): Application Filing fees, consultancy fees, search fees, maintenance fees, patent renewals, publishing fees, and other fees which are statutory in nature. In the case of National Patents, the fees will be reimbursed only for the granted Patents, when the application is filed with the

help of the registered Patent Agent who has an active Agent ID as per the database maintained by the Controller General of Patents Designs & Trademarks, Government of India. In the case of International Patents, only patents granted by the relevant competent authority under the relevant patent act will be eligible and would be as per the conventional/ Patent Cooperation Treaty (PCT) route.

- (iv) Non-eligible Reimbursement(s): Any Fees paid for activities of Prosecution against the Authorities who have already rejected claims are not covered.

3. Commencement

- (i) The Scheme shall commence with effect from the date of notification of the Haryana State Startup Policy i.e., 07.07.2022, and shall remain in operation for a period of 5 years i.e., 06.07.2027 or till the time the Government of Haryana decides to discontinue/ amend/ extend this scheme.
- (ii) Startups that have acquired/ granted patent registration on or after 07.07.2022 and before 06.07.2027 shall be eligible under this scheme.

4. Eligibility Criteria for Startups

- (i) The Startup Entity should be a “Category – 1 Startup” registered with Startup Haryana, Industries & Commerce Department, Haryana as defined in the Haryana State Startup Policy 2022 and as given in 4 (ii) below.
- (ii) Category 1 Startups are defined as Startups registered with Startup Haryana in accordance with the eligibility criteria as mentioned below:
 - a. The entity should be registered & recognized as Startup from DPIIT and
 - b. Location: Address of Registered Office of the Startup Entity should be in Haryana.
- (iii) The Startup Entity should have Haryana Udhyam Memorandum (HUM) for statistical purposes.
- (iv) The products or processes/ services of the Startup Entity should not fall in the restrictive list as notified by State Government under the Haryana Enterprises and Employment Policy 2020 and as amended from time to time.
- (v) The policy/scheme is sector-agnostic and applicable to all Startup Entities irrespective of their domains(s).
- (vi) Startups availing incentives under this scheme should not have availed similar incentives under any other State / Central Government policy. Further, Startups availing incentives under this scheme will also not be eligible to avail similar incentives under any other State / Central Government policy.
- (vii) Reimbursement will be given post grant of Patent and after submission of the patent certificate issued by the competent authority under the relevant Patent Act.

5. Procedure for availing Incentive/Benefit

- (i) The Startup Entity shall apply online on the web portal of the Department of Industries & Commerce, Haryana for “Reimbursement for Patent cost” in the prescribed format (as per **Annexure-I**) along with the requisite supporting documents as prescribed under this scheme document.
- (ii) The application received shall be examined and in case of any deficiencies, the same will be communicated to the Startup Entity/applicant, and the applicant shall rectify the same within the prescribed timelines as per Section 9 of this scheme document.
- (iii) In case the deficiencies are not removed by the Startup Entity/applicant or fail to submit requisite additional information/ documents within the prescribed timelines as defined under Section 9 of this scheme document, the application shall be deemed rejected/closed. Startup Entity/ applicant would be intimated the status in their user account.
- (iv) The Startup Entity, if required and with approval of the competent authority, may be called for a presentation/ clarification in relation to either the benefit eligibility or the cost/ reimbursement claimed or any other component.
- (v) The application after examination will be put for final consideration & approval by the Competent authority as defined in Section 7 below.
- (vi) Based on the decision taken on the application, an intimation will be sent to the Startup Entity/ applicant in their user account. The applicant would also be able to download the decision/sanction letter from the portal in reference to their application.
- (vii) The sanctioned amount will be credited into the Bank Account of the Startup Entity subject to the compliance of the terms of the approval/sanction letter, if any.

6. Time Limit to Apply

The Startup Entity that has incurred expenses on the Patent acquisition is required to apply/ submit an application for claiming the incentive within 6 months from the date of grant of the patent or 3 months from the date of notification of this scheme, whichever is later. Thereafter, the Startup Entity will no longer be eligible to receive assistance or reimbursement under this scheme except in scenario under Section-8.

7. Competent Authority for Sanction

The Director/ Director General, Industries & Commerce Department, Haryana, or as decided/ delegated by the Government of Haryana from time to time, shall be the competent authority for sanction of the fiscal benefit under the scheme.

8. Power to Condone the Delay in Submission of the Application

(i) The Director/ Director General, Industries & Commerce Department, Haryana, or as decided/ delegated by the Government of Haryana from time to time, may condone the delay up to a period of 03 months after the prescribed time limit.

(ii) The Administrative Secretary, Industries & Commerce Department, Haryana may 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 for the late submission of the application based on the substantial evidence/ documents/ arguments presented by the Startup Entity/applicant.

9. Timelines for Processing & Decision of Applications

The following are the timelines for processing and decision of applications:

S. No.	Particulars	Time Limit (in working Days)
1	By the department for processing & decision on the applications complete in all aspects	30 Days
2	By the applicant for Removal of deficiencies/ submission of additional information/ documents	10 Days

Note: If an applicant/entity is unable to remove deficiencies or fails to submit requisite additional information/ documents within 10 working days of the intimation from the Industries & Commerce Department, the application shall be deemed rejected/closed.

10. Interpretation/ Clarification/ Modification

The Administrative Secretary, Industries & Commerce Department, Haryana will be the final authority for clarifying/resolution of any doubts relating to the interpretation of any term or any provision arising under this scheme. The decision in this matter shall be final and binding for all stakeholders in such cases.

11. Appeal

An applicant may file an appeal to the Administrative Secretary, Industries & Commerce Department, Haryana against an order passed by the Competent Authority within a period of 30 days from the date of communication of the order. The order(s) passed by the Administrative Secretary, Industries & Commerce Department in such appeal shall be final.

12. Penal Action

At any time, if it is found that the Startup Entity has claimed/ availed any form of assistance/benefit (Fiscal/ Non-Fiscal) from the Government based on any false/ fabricated information or involved in any malpractices/ fraudulent activities; the registration of the Startup Entity will be summarily revoked and the Startup Entity shall refund the entire amount of the assistance granted/ availed along-with the compound rate of interest @ 12% per annum. In addition, the Startup Entity/ applicant will also be liable to face legal action and will be debarred to avail of any incentives/ assistance under any other policy/ scheme of the State Government in the future.

13. Head of Expenditure

The expenditure shall be met under the Scheme Head i.e. "P-01-19-2852-07-202-87-51-N-V" of Industries & Commerce Department, Haryana.

ARUN KUMAR GUPTA,
Additional Chief Secretary to Government Haryana,
Industries and Commerce Department.

Annexure I – Application Form for Reimbursement of Patent Cost

Section 1 – Details of Startup Entity			
1.	Name of the Startup Entity as registered with Startup Haryana Cell, Industries & Commerce Department	Pre - Filled	
2.	Registration number with Startup Haryana Cell, Industries & Commerce Department	Pre - Filled	
3.	Date of Registration with Startup Haryana Cell, Industries & Commerce Department	From	Pre - Filled
	(DD/MM/YYYY)	
		Valid Till	(DD/MM/YYYY)
4.	Complete Address of the Registered office of the Startup Entity	Pre – Filled	
5.	Complete Address of Operational/ Working office of Startup Entity	Pre – Filled	
6.	GST Number of Startup Entity (If registered under GST)		
7.	PAN of Startup Entity	Pre – Filled	
8.	Haryana Udhyam Memorandum (HUM) Number & Date		
9.	Number of Employees (Including Founder and co-founders)	I. On Direct Payroll - II. On Contract - III. Total Employee -	
10.	Turnover of the entity for all the previous financial years since incorporation	Year 1: Year 2: Year 3: Year n:	
11.	Bank Account Details of the Startup Entity		
10.1	Name of Bank	Pre – Filled	
10.2	Account Holder Name	Pre – Filled	
10.3	Account Number	Pre – Filled	
10.4	Branch Address	Pre – Filled	
10.5	IFSC Code	Pre – Filled	
12.	Authorized Applicant Details		
12.1.	Name of Applicant Authorized by the Startup Entity		
12.2.	Designation of Authorized Representative		
12.3.	Contact Details of the Authorized Representative	Mobile	1. 2.
		Landline (with STD Code), if any	
12.4.	PAN Number of Authorized Representative		
12.5.	E-mail ID (s) of Authorized Representative		

Section 2 – Details of Patent granted		
1.	Reimbursement applied for (Please Select)	<ul style="list-style-type: none"> • National Patent • International Patent
2.	Name of the Startup Entity which has applied for a Patent	
3.	Title of Patent	
4.	Brief Description of Patent	
5.	Patent Application Filing Number	
6.	Date of Filing of Patent Application	
7.	Date of grant/ acquisition of Patent (DD/MM/YYYY)
8.	Is R&D for Invention in-house or Collaborative	
9.	Technical Fields of Innovation	
10.	Advantages of Patent granted w.r.t. Products/ Services, etc.	
11.	Novel Features of Invention	
12.	In case of International Patent, Name of Country where Patent is filed	
13.	Route of filing: Patent Cooperation Treaty (PCT) / Conventional, in case of International Patents	

Section 3 – Details of Patent Agent/attorney		
14.	Details of Patent Agent/ Attorney Firm	
14.1.	Name of Patent Agents/ Attorney Firm	
14.2.	Agent ID, in case of National Patent (as per the database maintained by Controller General of Patents, Designs and Trademark under Ministry of Commerce and Industry, Government of India.)	
14.3.	Contact number of Patent Agent	
14.4.	Address of the Patent Agent/ Attorney Firm	

Section 4: Details for Claiming of Incentive for Patent Reimbursement		
15.	Details of Head wise Expenditure in acquiring the patent (in INR)	Kindly list all the relevant expenditure heads and the amount incurred along with their supporting invoices / receipts
16.	Total amount of expenditure in acquiring the patent (in INR)	
17.	Amount of Incentives requested out of the total expenditure (in INR)	
18.	Supporting Documents	<p>Documents required for availing Patent benefits</p> <p>I. Letter of Authorization (As per Annexure- II)</p> <p>II. PAN Card & Passport size Colored Photograph of the Authorized Representative</p> <p>III. Undertaking (As per Annexure- III)</p> <p>IV. Copy of Haryana Udyam Memorandum (HUM)</p> <p>V. Cancelled cheque of the bank account of Startup Entity (Branch name, IFSC Code)</p> <p>VI. Copy of latest audited Financial Statement of the Startup Entity</p> <p>VII. CA certified detailed statement of expenses incurred towards the Patent Registration along-with the copies of invoices & receipts from the patent authority and Patent agent/ IP counsel as applicable (Annexure IV)</p> <p>VIII. Copy of Patent certificate</p>

Annexure II - Letter of Authorization
Letter of Authorization for Representative

To,

The Director / Director General,
 Industries & Commerce Department

<Name> ----- <Designation>----- is hereby **authorized to sign & stamp requisite documents on behalf** of our Startup Entity (**Name of an entity as given on Certificate of Incorporation / Registration**) for applying for “*Reimbursement for Patent Cost*” under the Haryana State Startup Policy 2022. He is also authorized to attend meetings and provide additional documents in case any clarifications are required by the concerned authority.

Thanking you,

<p>Signature and seal of the Director(s)/Partner(s)</p> <p><Name></p> <p><Designation></p> <p><Mobile></p> <p><Seal></p>	<p>Signature of the person authorized by the Startup Entity (Name of the entity)</p> <p><Authorized Representative Name></p> <p><Designation></p> <p><Mobile></p> <p><Seal></p>
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Annexure III - Undertaking**UNDERTAKING****TO WHOMSOEVER IT MAY CONCERN**

(Undertaking/Declaration - To be submitted on Non-Judicial Stamp Paper of Rs. 100/- (Min) duly sworn before a Notary Public (duly affixed with Notarial Stamp, and with Notary Seal & Notary Registration Number or First-Class Magistrate)).

1. I / We, < Director / Designated Partner / Partner >, do hereby solemnly declare, that the information given herein regarding our Startup Entity <**Name of the entity as given on Certificate of Incorporation / Registration**> & as stated in the application form is correct and true to the best of our knowledge and belief, and nothing relevant information has been suppressed.
2. I / We, do hereby affirm that furnishing of any false or incorrect particulars of any information or suppression of any material information shall attract punishment for fraud and that we will be held liable for it. We understand that if found guilty of furnishing false information or any other fraudulent activity, we will be barred from applying /availing any benefits/incentives under the Haryana State Startup Policy 2022 for this entity and any other entity that I/we are part of and will further be liable for the penal action as defined under the “Reimbursement for Patent Cost”.
3. The Startup Entity will be liable to refund excess subsidy/assistance/reimbursement, if any, released due to omission or pointed out by the concerned division at any time or the Audit team of the Principal Accountant General, Haryana.
4. I/ We, do hereby confirm and declare that any Director(s)/ Designated Partner(s)/ Partner(s) of our Startup Entity:
 - i) Is/Are not blacklisted/ de-registered/ debarred by any Central/ State Department/ Agency at the time of submission of the application; and
 - ii) Have not availed similar incentive under any other State / Central Government policy. Further, we agree that if we avail incentive under this scheme then we shall not claim similar incentive in any other State / Central Government policy.
5. I / We hereby certify that all Director(s)/ Designated Partner(s)/ Partner(s)/ Authorised Representative in our Startup Entity have given written consent to provide their DIN/DPIN/PARTNER ID/Aadhaar number/PAN and also for use of their Aadhaar Number, Biometric, and/or One Time Pin (OTP) data for Aadhaar based authentication to verify individual identity and to determine eligibility across different Government Schemes. I/We understand that Startup Haryana Cell, Industries & Commerce Department shall ensure the security and confidentiality of my/our personal identity data provided for the purpose stated above.

Date:

Signature and seal
of the Director(s)/Designated Partner(s)/Partner(s)

<Name and Designation>

Annexure IV – CA Certificate**Certificate from Chartered Accountant in respect of Proof of Expenditure
for Patent Reimbursement****TO WHOM IT MAY ONCERN**

This is to certify that M/s with their registered office at..... with Haryana Udhyam Memorandum (HUM) as dated..... have incurred the expenditure of Rs..... (Rupees) in obtaining Patent registration _____ <Domestic or International> from the certification agency _____ <Name & Address of Agency> against the details mentioned in the table below and the same has been verified:

S.No.	Details of Payments	Certifying Agency Organization	Amount (INR)	Remarks
1.	Application Fees			
2.	Consultancy Fees			
3.	Search Fees			
4.	Maintenance Fees			
5.	Others, if any			
	Total Expenditure			

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

Date-----

UDIN No.-----

* Payment details in the above table should be supported by copies of receipts of payments made. The payment receipts must indicate the purpose for which the payments have been made to the certification agency.