

Government of Odisha
MSME Department

NOTIFICATION

No. II-MSME-2/2017 624/MSME, Bhubaneswar, the 31st January, 2017

Sub: Operational Guidelines for Trade Mark Assistance under Odisha MSME Development Policy- 2016 (See Para 6.6 of Odisha MSME Development Policy-2016)

1. **Short Title:** "Operational Guidelines for Trade Mark Assistance" under Odisha MSME Development Policy-2016.
2. **Extent:** It shall extend to the whole of the State of Odisha.
3. **Commencement:** It shall come into force from 24th November, 2016 i.e. date of Notification of the Odisha MSME Development Policy-2016.
4. **Policy Provisions:**
"New MSMEs shall be entitled for reimbursement of 50% of expenditure incurred in obtaining Trade Mark subject to maximum of Rs.25,000/-."
5. **Terms and Expressions:** Terms and expressions used in this operational guideline, but not specifically defined here, shall have the same meaning as in Odisha MSME Development Policy-2016.
 - 5.1 **Trade Mark:** means a mark capable of being represented graphically and which is capable of distinguishing the goods of one from those of others and may include shape of goods, their packaging and combination of colours. A mark can include a device, brand, heading, label, ticket, name, signature, word, letter, numeral, shape of goods, packaging or combination of colours or any such combinations.
 - 5.2 The letters "TM" in superscript is for an unregistered trademark and letter "R" surrounded by a circle is for a registered trademark.
6. **Eligibility:**
 - 6.1 New Micro, Small & Medium Enterprises as defined in Annexure I of Appendices of Odisha MSME Development Policy, 2016 where fixed capital investment has commenced on or after 24th November, 2016 i.e. effective date of Odisha MSME Development Policy-2016 and gone into production within three years from the date of starting first fixed capital investment.

- 6.2 Where period of implementation of projects (new Micro, Small & Medium Enterprises) exceeds stipulated period of three years due to force majeure (reasons like natural calamities), if such delay shall have been condoned by Empowered Committee.
 - 6.3 New Micro and Small Enterprises shall have been acknowledged with Entrepreneurship Identification Number (EIN) and or Production Certificate (PC) from the RIC / DIC.
 - 6.4 Enterprises which are declared ineligible as in Annexure II of Appendices of Odisha MSME Development Policy, 2016 to avail incentives shall not be entitled for the assistance.
 - 6.5 Expenditure incurred in obtaining Trade Mark shall include fees paid to Registry of Trademark in India on the basis of number of classes applied and payment / consultancy charges paid to Professionals towards trademark search, trademark application filing, trademark examination–response, trademark registration and **not** include fees or any kind of payment made for renewal of registration of Trade mark / restoration of Trademark.
 - 6.6 New MSME shall not be entitled for reimbursement of 50% of expenditure incurred in obtaining Trade Mark, if the project has availed same under any other scheme(s) / source(s).
 - 6.7 Enterprises undertaking Expansion / Modernization / Diversification shall not be entitled for reimbursement of 50% of expenditure incurred in obtaining Trade Mark.
 - 6.8 Identified viable sick Micro, Small & Medium Enterprises treated at par with new industrial unit shall avail reimbursement of 50% of expenditure incurred in obtaining Trade Mark after rehabilitation provided such Micro Enterprise / Small Enterprises Medium Enterprise have not availed reimbursement of 50% of expenditure incurred in obtaining Trade Mark from any source under any Policy / Scheme before or after rehabilitation and subject to fulfillment of relevant conditions as stipulated as above provided reimbursement of 50% of expenditure incurred in obtaining Trade Mark is the one of the constituents of rehabilitation package.
7. **Time Limit for filing application:**
- 7.1 Eligible New Micro, Small & Medium Enterprise shall file its claim for reimbursement of 50% of expenditure incurred towards obtaining Trade Mark in the prescribed Application Form complete in all respect **within one year** from the date of obtaining Trade Mark / **within one year** from the date of notification of this Operational Guidelines, whichever is later.
 - 7.2 Eligible rehabilitated sick Micro, Small & Medium Enterprises as in Para-6.8 of

this Operational Guidelines shall file its claim for reimbursement of 50% of expenditure incurred in obtaining Trade Mark in the prescribed Application Form complete in all respect within one year from the date of obtaining Trade Mark / within one year from the date of notification of this Operational Guidelines, whichever is later.

- 7.3 Application in the prescribed form received after the due date / incomplete in any respect shall be liable to be summarily rejected. There shall be no condonation of delay in filing application for reimbursement of 50% of expenditure incurred in obtaining Trade Mark.
8. **District Level Committee (DLC):** The District Level Committee constituted in each RIC / DIC as per para 10.1 of Operational Guidelines of CIS under Odisha MSMED Policy-2016 shall be competent to sanction reimbursement of 50% of expenditure incurred in obtaining Trade Mark in favour of new MSMEs.
9. **Procedure:**
- 9.1 New Micro, Small & Medium Enterprise considered itself eligible shall submit application in the Form prescribed at **Annexure – A** along with copies of all relevant documents as mentioned in the Checklist at **Annexure – B** to the concerned General Manager, Regional Industries Centre / District Industries Centres. Copies of the documents as indicated in the checklist shall be self-certified by Proprietor / Managing Partner / Managing Director / Authorized Signatory. The documents / relevant data which are already uploaded / furnished to RIC / DIC earlier shall not be uploaded / furnished once again unless there is any change including change in validity of the same. In case of online filing of Application for reimbursement of 50% of expenditure incurred in obtaining Trade Mark, there is no need to furnish the hard copy of documents unless asked for.
- 9.2 On receipt of complete application with relevant documents / data, the acknowledgement as prescribed at **Annexure – C** shall be dispatched to the applicant duly signed by the authorized officer / General Manager, RIC / DIC on the day of receipt. The General Manager RIC / D I C may authorize any of his sub-ordinate officers for the purpose. In case of online filing, the same shall be generated electronically.
- 9.3 The application shall be examined, scrutinized, checked with original by the concerned RIC/ DIC and wherever necessary spot verification shall be made, determine the 1st date of fixed capital Investment, eligibility & applicability of policy provisions in each case within next 7 days.

- 9.4 Agenda Note on fulfilment of eligibility criteria, time limit, Policy applicability, expenditure incurred in obtaining Trade Mark etc. shall be placed by the Convenor in District Level Committee to be held during the month.
10. **Sanction:**
- 10.1 The DLC will consider proposals for sanction of sanction for reimbursement of 50% of expenditure incurred in obtaining Trade Mark in favour of the eligible MSME.
- 10.2 Reimbursement of 50% of actual expenditure incurred in obtaining Trade Mark limiting to Rs.25,000/-, whichever is lower, shall be considered for sanction.
- 10.3 After sanction for reimbursement of 50% of expenditure incurred in obtaining Trade Mark by the DLC, the RIC / DIC shall communicate the sanction in the format prescribed at **Annexure – D** to the concerned MSME under intimation to Director of Industries, Odisha within next **7 days** of the DLC meeting .
- 10.4 In case of rejection / any other decision taken by the DLC, the same will be communicated by RIC / DIC to the concerned enterprise under intimation to Director of Industries, Odisha in the format prescribed at **Annexure – E** within next **7 days** of the DLC meeting.
11. **Disbursement:**
- 11.1 On receipt of sanction letter, the advance money receipt and Undertaking in the format prescribed at **Annexure – F** shall be furnished by MSME to RIC / DIC along with the present working status and copies of any other document (s) asked for, if any, by DLC within **next 7 days**.
- 11.2 Disbursement of sanctioned amount shall be made by RIC / DIC directly to the Term loan Account of the Enterprise. In case of self-financed or where the term loan has been recovered, the sanctioned amount may be disbursed to Bank Account of the Enterprise within **next 5 days** subject to availability of funds under the scheme.
- 11.3 The disbursement may be deferred if the enterprise is found closed and may be effected on resumption of production.
12. **Maintenance of Records:** The receipt, sanction, rejection, disbursement of reimbursement of 50% of expenditure incurred in obtaining Trade Mark shall be monitored both electronically & manually at RIC / DIC / Directorate of Industries level.
13. **Recovery:** Reimbursement of 50% of expenditure incurred in obtaining Trade Mark, received by enterprise shall be recoverable under the provision of

OPDR Act, 1962 as arrears of land revenue on violation of Policy provisions, terms & conditions of Operational Guidelines & Undertaking.

14. **Miscellaneous:**

- 14.1 RIC/ DIC / Directorate of Industries, Odisha may inspect the enterprise as and when required / if felt necessary.
- 14.2 Reimbursement of 50% of expenditure incurred in obtaining Trade Mark or any part thereof with penal interest as decided by the authority shall become forthwith repayable by the entrepreneur(s), if the information furnished is found to be false / incorrect / misleading or mis-represented and there has been suppression of facts / materials or disbursed in excess of the amount actually admissible for whatsoever reason.
15. Time limit prescribed in this guidelines are of working days only.
16. This operational guidelines have been concurred in by Finance Department in their UOR No. 270/PSF dated 21-01-2017.

By Order of Governor



(L.N. Gupta)

Principal Secretary to Government

Memo No. 625 /MSME Date 31-01-2017

Copy forwarded to All Departments / All Heads of Departments / All Revenue Divisional Commissioners / All Collectors / All RICs / All DICs / Technical Director, NIC (managing MSME portal) / All sections of MSME Department / Guard File (5 copies) for information and necessary action.


Additional Secretary to Government

**APPLICATION FOR SANCTION OF TRADE ASSISTANCE
UNDER ODISHA MSME DEVELOPMENT POLICY-2016**

(See Para 9.1 of Operational Guidelines)

Application received after the due date / incomplete in any respect shall be liable for rejection)

(Strike out whichever is not applicable)

From

M/s. _____

At. _____

PO. _____

Sub-Division _____

Dist. _____

(Location of the Industrial Unit)

To

The General Manager,
Regional Industries Centre / District Industries Centre, _____

Sub: Trademark assistance under Odisha MSME Development Policy 2016.

Sir,

In accordance with the provisions laid down in Odisha MSME Development Policy 2016 and its operational guidelines, the claim for reimbursement of 50% of expenditure incurred in obtaining Trade Mark is submitted herewith with following particulars.

1	Category of the Unit (Micro / Small / Medium Enterprises)	:							
2	Name and Address of the Enterprise with e-mail Id & Cell Phone Number	:							
3	Address of Registered office	:							
4	Type of organization (Proprietorship / Partnership / Limited Liability Partner / Co-operative / Private Limited / Public Limited)	:							
5	Name of Proprietor / Managing Partner / Managing Director / Authorized Signatory	:							
6	Entrepreneurs Identification Number (EIN) & Date	:							
7	Production Certificate No & date	:							
8	Date of commencement of production	:							
9	Item(s) of manufacture / activity	:	<table border="1"> <thead> <tr> <th>Item (s)</th> <th>Quantity</th> <th>Value</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Item (s)	Quantity	Value			
Item (s)	Quantity	Value							
10	Date of first fixed capital investment with its mode {EIN / investment in land / building / plant & machinery and balancing equipment (specify the investment & mode of investment , if made)}	:							
11	Whether it is an identified viable sick MSME treated at par with new industrial unit.	:							
12	Whether the Original Project has availed Term Loan	:							
	(a) Name of Bank with IFS Code sanctioned Term Loan	:							
	(b) Date & amount of Term Loan sanctioned	:							
13	Name of the Financial Institution (Specify the date of sanction & amount of loan availed for Trademark registration, if any)	:							
	a Name of F I / Bank with IFS Code	:							
	b Amount of loan availed for Trade mark registration	:							
14	Address of Registry of Trademark (Registration Authority)	:							
15	Name address of Professionals / consultancy firms provided services for Trademark registration	:							

16	Amount of expenditure incurred in obtaining Trade Mark.	:	
	a) Fees paid to Registry of Trademark in India on the basis of number of classes applied	:	
	b) Payment / consultancy charges paid to Professionals towards trademark search, trademark application filing, trademark examination –response, trademark registration	:	
17	Date of obtaining Trademark	:	
18	Details of assistance sanctioned / availed form any State Govt. / GoI / any F I earlier expenditure incurred in obtaining Trade Mark, with sanction order No & date.	:	
19	Present claim for reimbursement	:	
20	Validity of Consent to Operate / Authorization of State Pollution Control Board (Furnish Copy)	:	

I, Sri _____ s/o _____ at present _____ (designation) of M/S _____ (name of the enterprise) certify that the information furnished as above is true and correct to the best of my knowledge and belief.

I hereby undertake to abide by the terms and conditions prescribed under the provisions of Odisha MSME Development Policy-2016 and its Operational Guidelines.

I hereby certify that this enterprise has not applied / sanctioned / availed any amount of assistance under any other scheme of the State Govt. or the Central Govt. or any Financial Institution(s) against which the present claim is made.

I hereby undertake to repay the assistance amount or any part thereof with penal interest as decided by the authority, if the information furnished is found to be false / incorrect / misleading or mis-represented and there has been suppression of facts / materials or disbursed in excess of the amount actually admissible for whatsoever reason.

Copies of relevant documents in support of information / facts furnished above are enclosed here with.

- 1.
- 2.
- 3.

Place.
Date.

Signature of the Proprietor / Managing Partner / Managing Director /
Authorized Signatory in full and behalf of

M/s. _____

CHECK LIST

(See Para 9.1 of Operational Guidelines)

Copies of documents to be attached with Application for reimbursement of expenditure incurred in obtaining Trade Mark shall be self- certified in each page by Proprietor / Managing Partner / Managing Director / Authorized Signatory

There is no need to submit / upload the documents which have already been furnished / uploaded unless there is any change or change in validity.

(Strike out whichever is not applicable)

1	Entrepreneurs Identification Number (EIN) and or Production Certificate
2	Document in support of identified viable sick MSME treated at par with new industrial unit
3	Power of Attorney / Board Resolution / Society Resolution, as applicable, while signing as Partner / Managing Director / Authorized person.
4	Certificate of registration under Indian Partnership Act 1932 / Limited Liability Partnership Act 2009 / Societies Registration Act- 1860 / Certificate of incorporation (Memorandum of association & Article of Association) under Company Act-1956
5	Document in support of date of first investment in fixed capital i.e. land / building / plant & machinery and balancing equipment
6	Document in support of delay in implementation condoned by Empowered Committee
7	Sanction order(s) of the Term Loan, Status of Term Loan A/c, Bank A/c of Enterprise where Term loan is recovered or Self-Finance case, IFS Code of Bank concerned
8	Sanction order of Loan if availed for obtaining Trade Mark, status of said Loan A/c, IFS Code
9	Proof of Fees paid to Registry of Trademark (Registration Authority)
10	Proof of expenditure Payment / consultancy charges paid to Professionals towards trademark search, trademark application filing, trademark examination – response, trademark registration
11	Trademark Registration Certificate with date of registration / date of issue.
12	Sanction order assistance towards trademark registration sanctioned / availed form any State Govt. / GoI / any F I of the country or abroad
13	Consent to Operate / Authorization of State Pollution Control Board
14	Undertaking on non-judicial Stamp Paper duly signed by the applicant (Annexure- F)

Acknowledgement

(See Para - 9.2 of Operational Guidelines)

(To be issued by authorized officer / General Manager, RIC / DIC)
(Strike out whichever is not applicable)

To

Sri _____

M/s. _____

Received the application for reimbursement of 50% of expenditure incurred in obtaining Trade Mark under the provisions of Odisha MSME Development Policy-2016 and its Operational Guidelines along with documents mentioned below from M/s _____ At/PO _____ Dist. _____ on dt. _____ through post / person.

List of documents

- 1.
- 2.
- 3.

Signature of authorized officer / General Manager, RIC /, DIC
with seal & date _____

- ❖ In case of online filing of application for one time reimbursement of 50% of expenditure incurred in obtaining Trade Mark, the acknowledgement shall be generated electronically on receipt of complete application.

Annexure – C

(TO BE DISPATCHED TO THE APPLICANT)

Acknowledgement

(See Para - 9.2 of Operational Guidelines)

(To be issued by authorized officer / General Manager, RIC / DIC)
(Strike out whichever is not applicable)

To

Sri _____

M/s. _____

Received the application for reimbursement of 50% of expenditure incurred in obtaining Trade Mark under the provisions of Odisha MSME Development Policy-2016 and its Operational Guidelines along with documents mentioned below from M/s _____ At/PO _____ Dist. _____ on dt. _____ through post / person.

List of documents

- 1.
- 2.
- 3.

Signature of authorized officer / General Manager, RIC /, DIC
with seal & date _____

- ❖ In case of online filing of application for reimbursement of 50% of expenditure incurred in obtaining Trade Mark, the acknowledgement shall be generated electronically on receipt of complete application.

OFFICE OF THE GENERAL MANAGER, RIC/ DIC _____
(See Para - 10.3 of Operational Guidelines)

SANCTION LETTER

Lt . No. _____ dt. _____
(Strike out whichever is not applicable)

The District Level Committee in its ---- meeting dated----- has accorded sanction for reimbursement of 50% of expenditure incurred in obtaining Trade Mark for Rs.____ (in words) Rupees_____ only in favour of M/s. _____ At _____ Po_____ Dist_____ a Micro / Small / Medium Enterprise bearing Production Certificate Number _____ Date_____ under Odisha MSME Development Policy-2016. It is an identified viable sick MSME treated at par with new industrial unit. The details of Term Loan Account / Loan Account with IFS code etc are as below for e-payment.

Signature of General Manager, RIC /, DIC _____
with seal & date _____

Memo No. _____/dt. _____

Copy forwarded to the Director of Industries, Odisha for information.

General Manager, RIC/ DIC _____

Memo No. _____/Ind., dt. _____

Copy forwarded to A.F.A – cum Under Secretary to Govt, MSME Department for information.

General Manager, RIC/ DIC _____

Memo No. _____/Ind., dt. _____

Copy forwarded to Sri _____ M/s. _____ Proprietor / Managing Partner / Managing Director / Authorized Signatory At _____ PO _____ Dist. _____ for information. She / He is requested to furnish Advance Stamped Money Receipt (induplicate) in the format as below and Undertaking in the format prescribed at Annexure–F of in the Non-Judicial Stamp Paper of Rs.10/-

General Manager, RIC/ DIC _____

Advance Stamped Money Receipt

"Received with thanks from _____ sum of Rs. _____ (Rupees _____) only by Cheque / Draft No./ On-line mode _____ dated _____ on account of reimbursement of 50% of expenditure incurred in obtaining Trade Mark under the provisions of Odisha MSME Development Policy 2016, its Operational Guidelines & terms and conditions laid down in the Undertaking by me / us on Dt. _____".

Signature of the Proprietor / Managing Partner/
Managing Director / Authorized Signatory in full and on behalf of
M/s. _____ with date

OFFICE OF THE GENERAL MANAGER, RIC / DIC _____
(See Para - 10.4 of Operational Guidelines)

No. _____ / Date _____
(Strike out whichever is not applicable)

To

Sri _____
M/s. _____
At _____
PO _____
Sub-Division _____
Dist. _____
(Location of the Enterprise / Registered Office Address)

Sir,

This is to inform that your application for sanction of reimbursement of 50% of expenditure incurred in obtaining Trade Mark under Odisha MSME Development Policy-2016 and its Operational Guidelines filed on dt. _____ is rejected due to following reasons.

(Specify the reasons)

- 1.
- 2.
- 3.
- 4.

Signature of General Manager, RIC / DIC _____
with seal & date _____.

Memo No. _____ Dt. _____

Copy forwarded to Director of Industries, Odisha, Cuttack for information.

Signature of General Manager, RIC / DIC _____
with seal & date _____.

UNDERTAKING

(See Para - 11.1 of Operational Guidelines)

(In non-judicial Stamp Paper of Rs.10/- duly signed by the applicant)

(Strike out whichever is not applicable)

- i) I / We shall abide by the terms and conditions prescribed under the provisions of Odisha MSME Development Policy 2016 and its Operational Guidelines.
- ii) I hereby certify that this enterprise has not applied / sanctioned / availed any amount of assistance towards trademark registration under any other scheme of the State Govt. or the Central Govt. or any Financial Institution(s) / Support organization in the country and abroad except the present claim is made.
- iii) I / We shall repay the of 50% of expenditure incurred in obtaining Trade Mark or any part thereof with penal interest as decided by the authority, if the information furnished is found to be false / incorrect / misleading or mis-represented and suppression of facts / materials or if found to have been disbursed in excess of the amount actually admissible for whatsoever reason.
- iv) The claim for 50% of expenditure incurred in obtaining Trade Mark does **not** include / cover fees or any kind of payment made for renewal of registration of Trade mark / restoration of Trademark.
- v) I / we shall furnish information, reports, statements etc to the RIC / DIC / D I, Odisha as and when asked for.

Place:

Signature of Proprietor / Managing Partner/ Managing Director / Authorized Signatory in full and on behalf of

Date:

M/s _____