

GOVERNMENT OF ODISHA
ELECTRONICS AND INFORMATION TECHNOLOGY DEPARTMENT

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NOTIFICATION

No. 1960 /E&IT
E&IT-Dev-II-13/2017

Bhubaneswar
Dated 13-06-18

Sub: Operational Guidelines for Assistance for Patent under ICT Policy 2014
(See Clause No. 6.15 of ICT Policy-2014)

1. **Short Title** - Operational guidelines for reimbursement assistance on Patent Fees under ICT Policy, 2014.
2. **Extent** - It shall extend to the whole of the State of Odisha.
3. **Commencement** - It shall come into force from the "Effective Date" of ICT Policy 2014, i.e. 16th January, 2014.
4. **Terms and Expressions** -
 - a) Here IT units refer to only those units in the state of Odisha, who are engaged in either R&D/ Product Development or Software Development or both.
 - b) Patent fees refer to the application and/or enrollment fee, assessment and/or evaluation fee, final acquisition charges, and any other cost/charges paid to the competent Authority, converted to equivalent INR (if applicable).
 - c) The reimbursement is applicable for multiple patent acquisition by the same IT unit subject to a total limit of INR 10.00 lakhs. If the unit is engaged in both R&D/Product Development and Software Development, then the total limit would take into account patent fee reimbursement for both of them together.
 - d) The total limit of INR 10.00 lakhs for patent fees reimbursement assistance can be claimed through multiple applications spanning across multiple years of operation.
 - e) If the unit has availed any assistance/subsidy for the capital investment on patent acquisition from any State Govt. or the Central Govt. (GOI), it shall be eligible only for the differential amount of assistance through this ICT Policy 2014.
 - f) Terms and expressions used in this operational guideline, but not specifically defined here, shall have the same meaning as in ICT Policy 2014.
5. **Policy Provisions** -

To encourage investment, growth and employment in the state of Odisha, Government will facilitate IP development by the IT units through reimbursement subsidy of the patent fees on acquisition of patent(s) by the respective units.

New and existing IT/ITES/ESDM units in R&D/Product development will receive a reimbursement assistance of INR 2.00 lakhs per patent acquisition with a subsidy limit of 75% for each and a total assistance limit of INR 10.00 lakhs.

New and existing IT/ITES/ESDM units engaged in Software Development will receive a reimbursement assistance of INR 2.00 lakhs per patent acquisition with a subsidy limit of 75% for each and a total assistance limit of INR 10.00 lakhs.

New and existing IT/ITES/ESDM units engaged in both R&D/Product Development and Software Development will receive a reimbursement assistance of INR 2.00 lakhs per patent acquisition with a subsidy limit of 75% for each and a total reimbursement assistance limit of INR 10.00 lakhs.

6. Competent Registering Authorities

- a) The Controller General of Patents, Designs and Trade Marks, (CGPDT) under the administrative control of The Department of Industrial Policy & Promotion, Ministry of Commerce & Industry, Government of India
- b) Registrar of Geographical Indications, Chennai under the administrative control of Ministry of Commerce & Industry, Government of India
- c) Registrar of Semiconductor Integrated Circuits Layout Design under the administrative control of Ministry of Communication and Information Technology, Government of India
- d) All the field/branch offices of the above 3 registering authorities
- e) Any other agency recognized by the Government of India for such registration of Patents or other Intellectual Property Rights as may be enforceable by law in India or abroad

7. Eligibility – IT/ITES/ESDM units satisfying definition and falling under the following criteria -

- a) New and/or Existing Units in Odisha coming under ICT category and engaged in R&D/Product Development or Software Development or both
- b) The unit has not reached the limit of INR 10.00 lakhs for patent fees reimbursement assistance, based on its previous applications and receipt of reimbursement.
- c) Patent must be filed from the Odisha center of the IT unit for the work done by the employees working in the state.

8. Eligible costs for reimbursement assistance

- a) Cost of Application/Enrollment, assessment and evaluation charges, final acquisition charges and all other costs/charges, paid to the competent registering authority.
- b) Expenses incurred on documentation for registration of patent including the cost of preparation, reprography of art-work, industrial design etc.
- c) The total amount of assistance under this incentive scheme shall be limited to Rs.10 lakh for each unit. Maximum assistance for each patent acquisition will be INR 2.00 Lakhs, subject to the reimbursement subsidy limit of 75% of the cost incurred. If there is acquisition of more than one patent, the assistance shall be available for each of the patents separately subject to an overall cumulative limit of INR 10.00 lakhs.

- d) If the IT/ITES/ESDM unit has availed any assistance/subsidy/incentive towards the acquisition of the same patent or Intellectual Property Right (IPR) from any other State Govt. or the Central Govt. (GoI) or Govt. Agencies in India, it shall be eligible for the differential amount of benefit only.

9. Determination of date of production/Operation:

The date of production/commencement of commercial operations for availing this incentive shall be determined by the OCAC internal Committee on the basis of the total set of supporting documents and/or evidences as per ICT Policy 2014.

- 10. Timeframe for filing application:** Eligible IT/ITES/ESDM unit shall file its claim in the prescribed Application Form complete in all respect. The duly filled application must be submitted **within one year** from the date of starting production / **within one year** from the date of notification of the Operational guidelines, whichever is later. Application received after the due date/ incomplete in any respect shall be liable to be summarily rejected.

11. Approval Process:

- 11.1** OCAC as nodal agency through PIU shall examine all the incentive/ Subsidy claims in accordance with the chronological order and place it before the Secretary, E& IT department and Chairman, OCAC for approval/ sanction/rejection.
- 11.2** The Secretary, E & IT department and Chairman OCAC shall be the competent authority to go into merits of each case to decide whether the applicant qualifies for grant of the incentive/ subsidy and will determine the quantum of incentive/ subsidy admissible and sanction any incentive/ subsidy claims of eligible IT/ITES/ESDM units.
- 11.3** The Secretary, E & IT department and Chairman OCAC may recommend/ approve/ reject/ defer any application for incentives/ subsidy at its Sole Discretion.
- 11.4** Any incentive beyond the ICT Policy provisions would be placed before the Apex Committee constituted under the chairmanship of Chief Secretary vide Notification No. 2126/IT/2015 dated 25/07/2015 issued by Dept. of Electronics & Information Technology, Govt. of Odisha for approval. All admissible incentives/subsidy released at the level of the Secretary to Government, E&IT Department and Chairman, OCAC may also be placed before this Committee for perusal/approval

12. Procedure

- 12.1** IT/ITES/ESDM units satisfying the eligibility shall file application in the prescribed form appended to this operational guideline in **Annexure II** along with copies of all relevant documents as mentioned in the Checklist in **Annexure I** and Undertaking prescribed in **Annexure III**.

Copies of the documents as indicated in the checklist should be self-certified by the Proprietor/ Managing Partner / Managing Director / Authorized Signatory.

- 12.2** On receipt of application, the acknowledgement as prescribed at Annexure IV shall be dispatched to the applicant / applicant unit duly signed by the authorized officer, on the day of receipt. OCAC will coordinate and facilitate this.

- 12.3** OCAC will check the eligibility and determine the applicability in each case within a maximum of 3 week timeline. All the documents submitted by the units shall be physically verified against the original by OCAC.
- 12.4** A detailed report will be submitted to SSWCA (State Level Single Window Clearance Authority) by OCAC for approval and to forward to Apex Committee for final approval with a detail note on fulfilment of eligibility criteria, time limit, incentive applicability, eligible amount of subsidy vis-à-vis capital investment made, any recommendation on capital investment subsidy amount with justification, working status, specific suggestion, if any, for consideration.
- 12.5** As per the Approval of the Apex committee, OCAC will disburse the eligible amount of subsidy to the bank/ financial institution directly, however if the business is self-financed then it will be reimbursed back to the industry unit directly.
OCAC will act as the nodal point during the entire process to respond to any queries or address any grievance from the applicants.
- 13. Disbursement** - Disbursement of sanctioned amount for subsidy assistance on patent fees shall be credited to the company's bank account after receiving the supporting documents and/or evidences specified in this guideline, provided the maximum limit is not reached and the eligibility criteria and terms & conditions are continued to be met even after approval of the Apex Committee.
- 14. Rejection** - In case of rejection of application, the reasons with detailed explanation/justification shall be communicated to the applicant unit.
- 15. Re-Application** - After fulfilling the criteria or requirement as per the rejection details, the company can reapply for the incentive within six (6) months from the date of rejection along with the reference of earlier application.
- 16. Monitoring** - A monitoring by OCAC will be administered to track the operations of the unit either by in-premise physical verification or review of related documents received physically or in an electronic format. If any unit is found to be deliberately furnishing wrong/false information, the incentives provided shall be withdrawn under the approval of the Apex Committee.
- 17. Recovery** - The amount disbursed towards reimbursement of patent fees subsidy and/or any part thereof shall be recovered with penalty, as per prevailing rate of interest per annum, from the date from which the subsidy is availed under the following circumstances:
- a) If the information furnished is found to be false/ incorrect / misleading or misrepresented and there has been suppression of facts or disbursement of amount in excess of what is actually admissible, for whatsoever reason.
 - b) If the unit goes out of operation for a period exceeding six months at a time for any reasons other than labor issues, want of electric power and/or network connectivity or for reasons beyond the control of entrepreneur/ management during the period of incentives.
- Further, the entrepreneurs shall give an undertaking that without prior approval of the Apex Committee, they will not change the location of the whole or any part of the unit or affect any substantial change in the project / close the unit within a period of 5 years from the disbursement of the incentives.

18. **Amendment** – Electronics & Information Technology Department (E&IT), Govt. of Odisha shall be the competent authority to review and make necessary amendment in the operational guidelines from time to time.

By Order of Governor



(R. N. Palai)

Special Secretary to Government

Memo No. 1961 /EIT Dated 13-06-18

Copy forwarded to the Principal Secretary to Governor, Odisha / ACS to the Chief Minister, Odisha/ P.S. to all Ministers / OSD to Chief Secretary, Odisha/ P.S. to D.C Cum ACS / P.S to Principal Secretary to Government, E&IT Department for kind information of the Governor / Chief Minister / All Ministers / Chief Secretary / DC Cum ACS / Principal Secretary, respectively.



Memo No. 1962 /EIT Dated 13-06-18 Deputy Secretary to Government

Copy forwarded to All Departments of Government / all Heads of Department / all RDCS / all Collectors / Principal Resident Commissioner, Government of Odisha, Odisha Niwas, New Delhi – 110021/ Additional Secretary to Government, Deity / All PSUs / Director, STPI, Bhubaneswar / SIO, NIC, Bhubaneswar / AG (A&E) Odisha, Bhubaneswar for information.



Deputy Secretary to Government

Memo No. 1963 /EIT Dated 13-06-18

Copy forwarded to the CMD, IPICOL, Bhubaneswar / CMD, IDCO, Bhubaneswar for information and necessary action.



Memo No. 1964 /EIT Dated 13-06-18 Deputy Secretary to Government

Copy forwarded to the Director IIIT, Bhubaneswar / General Manager (Admin.) OCAC, Bhubaneswar / Head IF & IT Promotion Cell, OCAC / All Sections of E & IT Department for information and taking necessary action.



Memo No. 1965 /EIT Dated 13-06-18 Deputy Secretary to Government

Copy forwarded to the Director, Printing, Stationary & Publication, Odisha, Cuttack for immediate publication of the Notification in the Extra Ordinary issue of Odisha Gazette and supply of 500 Copies to this Department.



Memo No. 1966 Dated 13-06-18 Deputy Secretary to Government

Copy forwarded (with Soft Copy) to the Head, State Portal Group, IT Centre Secretariat for information and necessary action. He is requested to host the Notification in the Government website as well as website of E&IT Department for wide circulation.



Deputy Secretary to Government

Annexure - I

CHECK LIST TO APPLY FOR PATENT FEES REIMBURSEMENT

Copies of documents to be attached with the application shall be self-certified by Proprietor / Managing Partner/Managing Director / Authorized Signatory

(Tick Mark whichever is available and has been complied with)

No.	Documents Required	Available?
1	Certificate of Registration under Indian Partnership Act 1932 / Certificate of Incorporation under Company Act 1956	<input type="checkbox"/>
2	Memorandum and Articles of Association	<input type="checkbox"/>
3	Power of Attorney / Board Resolution/ Society Resolution, as applicable, while signing as Partner / Managing Director / Authorized person	<input type="checkbox"/>
4	Copy of GST /VAT Registration and Last GST /VAT Return	<input type="checkbox"/>
5	Copy of Organization PAN Card	<input type="checkbox"/>
6	Proof of applying for the patent to the Competent Authority (required separately for each of the patent applications being filed)	<input type="checkbox"/>
7	Self-Declaration Certificate on the specifications of patent(s) filed and granted after publication and examination	<input type="checkbox"/>
8	Proof of grant of patent from the Competent Authority (required separately for each of the patents for which incentive is being claimed in this application)	<input type="checkbox"/>
9	Copies of the invoice and receipts for all the payments made towards filing of patent application and granting of patent after publication and examination	<input type="checkbox"/>
10	CA certified copy of the total cost incurred for patent application filing and final grant of patent along with breakup of various components	<input type="checkbox"/>
11	Self-Declaration Certificate on the business case for obtaining the patent and the intended vs actual outcomes	<input type="checkbox"/>
12	Self-Declaration Certificate of not being currently blacklisted by any Government Department, Agency or Public Sector Units	<input type="checkbox"/>
13	Proof of any loan being availed from the bank or financial institutions for the purpose of obtaining patent and IPR registration	<input type="checkbox"/>
14	Self-Declaration Certificate on the amount claimed, as per entitlement against this incentive in ICT Policy 2014	<input type="checkbox"/>

Annexure - II

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 _____

Dist. _____

To

The General Manager, Admin

OCAC, E&IT Dept. Govt. of Odisha

OCAC Building, Plot No. N-1/7-D

Acharya Vihar Square, BBSR

Odisha - 751013

Sub: Application for receiving Incentive(s) under ICT Policy 2014

Sir,

In accordance with the provisions laid down in ICT Policy 2014 and its operational guidelines, the details of the organization and the reimbursement claims submitted are as following:

I. Details of IT/ITES/ESDM Company	
1. Name of the ICT Company	
2. Date of Incorporation	
3. Name of the MD/CEO	
3.1 Name(s) of the Director(s)	
4. Details of License obtained	
5. Registration Number & Date (Issued by Commercial Tax	

Authority) GSTIN	
6. Registered With	<input type="checkbox"/> ROC <input type="checkbox"/> STPI <input type="checkbox"/> DIC <input type="checkbox"/> Others (Please Specify)
7. Organization PAN No.	

II. Address of Applicant

1. Address of Registered Office	
2. Contact Person	
3. Email Address	
4. Mobile No.	
5. Office Telephone No.	
6. Other Offices (if any)	

III. Nature and activities

A. Constitution of the Organization (Please Select as applicable)

- Proprietorship
- Partnership
- Pvt. Ltd.
- Ltd.
- LLP
- NGO
- Others (Please Specify)

B.1 Line of Activity/Core competency/nature/type of the Organization (Please Select)

- IT/ITES/BPO/BPM
- Communications/IT Infrastructure Developer/IT Park/IT SEZ
- Startups
- MSMEs
- IT Product/R&D Companies/Innovation
- Local Entrepreneurs
- Women Entrepreneurs
- Visual Effect , Animation, and Gaming & Entertainment

- Creation of IT Incubation Facilities at Educational Institutes
- Electronic system design and Manufacturing (ESDM)
- Mega IT projects

B.2 In case your organization is engaged in multiple activities, please indicate your core Competency & line of activity from which maximum revenues are generated

1.
2.
3.

B.3 In case your core competency is in IT Product/R&D activity, please give details on patents

Obtained/registered/applied for on the date of application	
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C.1 Existing Status	<input type="checkbox"/> New <input type="checkbox"/> Operational
C.2 Category	<input type="checkbox"/> Domestic <input type="checkbox"/> Export Oriented <input type="checkbox"/> 100% EOU

D. Investment Made in Odisha (Rs. in Lakhs)

Date of first fixed capital investment i.e. land /building / plant & machinery (Please specify date here in DDMMYYYY):

Plant & Machinery	Rs. _____ /-	Year -
Land & Buildings	Rs. _____ /-	Year -
Furniture and Fixtures	Rs. _____ /-	Year -
Electrical & Networking Equipment	Rs. _____ /-	Year -
Computers and Peripherals	Rs. _____ /-	Year -
Other Fixed Assets (Specify)	Rs. _____ /-	Year -
Total	Rs. _____ /-	Year -

E. Date of commencement of commercial production: (Date on which the first invoice is raised by you on your client/customer)

Date:
Attachment

F. Place of Operation in Odisha: (Tick all that apply with the corresponding office space in sq. ft.)

- | | | | |
|--------------------------|-----------------------|---|--------------|
| <input type="checkbox"/> | STPI | - | (in Sq. Ft.) |
| <input type="checkbox"/> | SEZ | - | (in Sq. Ft.) |
| <input type="checkbox"/> | Govt. Facility | - | (in Sq. Ft.) |
| <input type="checkbox"/> | Incubation Center | - | (in Sq. Ft.) |
| <input type="checkbox"/> | Own Building | - | (in Sq. Ft.) |
| <input type="checkbox"/> | Other Private IT Park | - | (in Sq. Ft.) |

G. Performance: Last three financial years (in Rs. Lakhs)

Year	1 st Year	2 nd Year	3 rd Year
Export turnover			
Domestic turnover			
Total turnover*			
*Provide Annual Reports/Audited PL & BS	Attachment 1	Attachment 2	Attachment 3
Name of the Financial Institution(s)/Bank(s) [in case loan is availed]			

H. Employment

	Name of Location	No. of Employees
Total number of Employees at present		
Employee Category	Category Name	No. of Employees
	Technical	
	Non-Technical	
	Executive Level	
	Male	
	Female	
	Differently Abled Persons	

Employment (Last 3 years)	1 st Year	2 nd Year	3 rd Year

I. Incentive Applied for (Choose the appropriate incentive)
<input type="checkbox"/> Assistance for Quality and security certification <input type="checkbox"/> Human Capital investment subsidy <input type="checkbox"/> Assistance for participation in Exhibition and Trade Delegation <input type="checkbox"/> Assistance for patent <input type="checkbox"/> Interest subsidy reimbursement <input type="checkbox"/> Reimbursement of VAT <input type="checkbox"/> Recruitment Assistance Subsidy <input type="checkbox"/> Specific Incentive for local enterprises <input type="checkbox"/> Specific Incentives for Anchor Investors in level-II locations <input type="checkbox"/> Capital Investment Subsidy <input type="checkbox"/> Rental for Incubation space <input type="checkbox"/> Incentives for lease rental <input type="checkbox"/> Exemption from Stamp Duty <input type="checkbox"/> Power Incentives

J. Claim Details for reimbursement assistance on Patent Fees	
Number of Patents applied for	
Names of Patent granted including proof	
Total Cost incurred	

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

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

M/s _____

Date -

Place -

Annexure - III

LETTER OF UNDERTAKING

From

M/s. _____

At/PO _____

Dist. _____

- 1) I/We hereby confirm that this application for reimbursement of subsidy is on the basis of the investment made or cost incurred by M/s _____ on account of the incentive(s) under this application in the state of Odisha on or after 16th January, 2014 for an amount of Rs. _____ (in words _____ only).
- 2) I/We shall abide by the terms and conditions prescribed under the provisions of ICT Policy, 2014 and its operational guidelines.
- 3) I/We shall repay the Subsidy received against this application or any part thereof with penal interest as decided by the authority:
 - (a) If the information stated in the application & supporting documents is found to be false/ Incorrect/ misleading/ misrepresented and there has been suppression of facts / materials or if found to have been disbursed in excess of the amount actually admissible for whatsoever reason.
 - (b) If the IT/ITES/ESDM unit goes out of production or commercial operation for a period exceeding six months at a time for any reasons other than labor issues, want of electric power and/or network communication or for reasons beyond the control of entrepreneur / management during the period of incentives.
- 4) This IT/ITES/ESDM unit has not applied/availed reimbursement for subsidy on any of the incentives applied through this application letter earlier under any other scheme of the State Government or the Central Government or any Financial Institution(s).

I/we shall furnish audited financial statements and other periodical statements of this organization for each financial year to OCAC during the period of availing incentives.

Signature of the Proprietor / Managing Partner / Managing Director / Authorized Signatory of

M/s

Date –

Place-

Annexure - IV

Letter No. _____ / Date _____

Acknowledgement

(To be issued by the Authorized Officer / General Manager, OCAC on the day of receipt)

To

Sri _____

M/s. _____

Received the application for reimbursement of incentive(s) under provision of ICT Policy 2014 and its Operational Guidelines along with the supporting documents mentioned below.

From

Person/Post

On Date

List of supporting documents received:

- 1.
- 2.
- 3.
- 4.
- 5.

Signature of authorized officer / General Manager OCAC

(with seal & date)

