

Power your business with the SME Fund

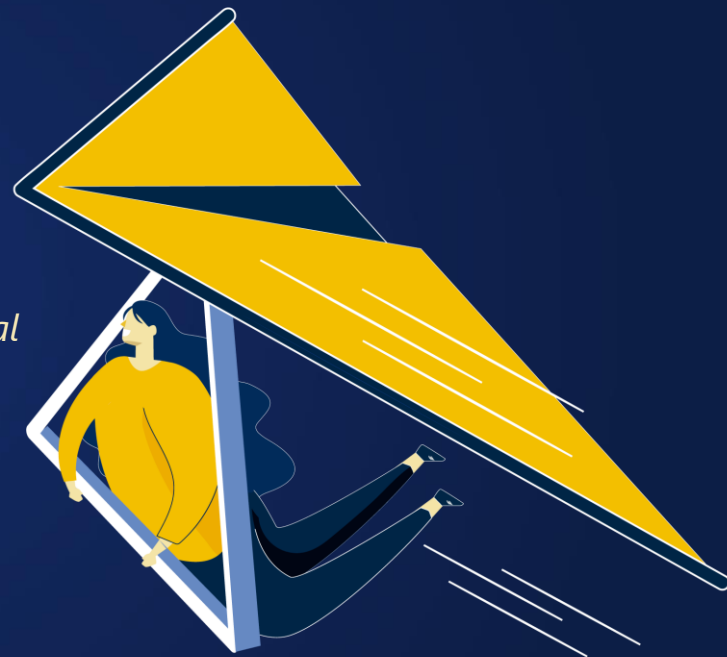
Helping EU SMEs reach their full intellectual property potential

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SME FUND 2023 – KEY ELEMENTS

- **Objective:** offer financial support to SMEs to protect their intellectual property (IP) rights and develop an IP strategy
- **Eligible beneficiaries:** SMEs based in the EU
- **Budget:** €27.1 M for the 4 existing vouchers
- **Term to apply:** from 23/01/2023 to 08/12/2023
- **IP activities included:** IP Scan; trade marks and designs;
patents and Community plant varieties
- **Lessons learnt:** new features, simpler and faster process
- **Two phases:**
 - First opening (vouchers 1 *-IP Scan-* and 2 *-TM&D-*): 23 January 2023
 - Second opening (vouchers 3 *-patent-* and 4 *-plant varieties-*): 26 April 2023
 - Ukraine-based SMEs have been entitled to apply to the SME Fund since 26 June 2023



SME FUND 2023 – AVAILABLE VOUCHERS

Voucher	IP activities	Value (EUR)	Fees included	Coverage	Reimbursement	Activation
1	IP Scan	1 350 ⁽¹⁾	IP Scan ⁽²⁾	National	90 %	2 months -extendable to 4 months-
2	Trade marks and Designs	1 000	Application, class, examination, registration, publication and deferment of publication fees	National, regional and EU	75 %	
			Basic, designation and subsequent designation fees ⁽³⁾	International	50 %	
3	Patents	1 500	Filing, search, examination, grant and publication fees	National	75 %	
			Patent prior art searches	National ⁽⁴⁾		
			Filing and search fees for European Patents	European ⁽⁵⁾		
4	Plant variety	225	Online application fee	EU	50 %	2 months -extendable to 6 months-

(1) Depending on the applicable fees at national level for this service

(2) IP Scans of participating Offices with a ceiling of cost for the service of EUR 1 500.

(3) Excluded fees: designation fees of EU countries and handling fees charged by the office of origin.

(4) Service provided by MS IPOs but for global search.

(5) See the [list of countries](#) covered by European patents

SME FUND 2023 – KEY ELEMENTS FOR ALL AVAILABLE VOUCHERS

- SME Fund 2022 and 2023 initiatives will be running in parallel
- Each SME can request one voucher per type of IP activity per year
- Beneficiaries of 2022 can apply again in 2023 but must request reimbursement for different IP rights
- New fast-track process in place to speed up the application process for previously awarded SMEs
- Once the voucher has been used - and the reimbursement received - if no further IPRs are to be initiated, the SME can **renounce** the voucher



SME FUND 2023 – PROCESS



1. Apply for the Grant

Visit the SME Fund website and **fill out the application form**



2. Receive your Grant

Grant decision delivered in **up to 15 working days**



3. Initiate your IP Activities

Run an IP Scan, apply for your trade mark, design, patent and/or community plant variety.



4. Get Reimbursed

Pay up front for activities, fill out the **request for reimbursement** form in your SME Fund account, and receive your reimbursements

RECEIVING THE GRANT

- Receive the **Grant Decision notification**

- **Activation period**

2 months (extendable to 4 months) to initiate your activities and request the first reimbursement to activate the voucher(s).

- **Implementation period**

6 months for Trade Marks & Designs - 12 months for Patents to initiate more activities and request further reimbursements (payment in 30 days).*



* There is no implementation period for the Community plant variety voucher.

INITIATING YOUR IP ACTIVITIES & ACTIVATING THE VOUCHER(S)

- Remember to initiate your IP activities **after** having received the grant decision.
- Any vouchers awarded are displayed in the SME Fund user account.
- Where to initiate the IP activities ?
 - **Trade mark and Design voucher:** through [EU MS IPOs](#), the [EUIPO](#) and the [WIPO](#).
 - **Patent voucher:** through [EU MS IPOs](#) and [EPO](#).
 - **Community plant variety voucher:** through [CPVO](#).
- **Pay up front** for the fees and **fill out the reimbursement request** form via the SME Fund user account. This will **activate** your voucher(s).
- Your reimbursement will be **paid within 30 days** from the date of your request.



SME FUND 2023 – APPLICATION PROCESS FOR ALL VOUCHERS AVAILABLE

- There is no need to refer to an IP consultancy firm to fill in the SME Fund application form. The form is quite simple.
- In your SME Fund account, you can ‘Save’ your application and ‘Submit’ it later.

Only when you arrive at this **confirmation screen**

is your application considered submitted.

You will also receive a **confirmation email**

from the EUIPO.

Your request

**HAS BEEN
SUBMITTED.**

You will be notified by e-mail and/or SMS when your application has been approved or if we should require more details from you.







[BACK TO USER AREA](#)



SME FUND 2023 – APPLICATION PROCESS FOR ALL VOUCHERS AVAILABLE

- Documents you need to apply:
 - » **OFFICIAL TAX CERTIFICATE**
 - VAT or Tax Identification Number (TIN)
 - » **BANK ACCOUNT CERTIFICATE**
 - Ownership of bank account
 - » **DECLARATION ON HONOUR FOR EXTERNAL REPRESENTATIVE** (*only when needed*)
 - Signed by the applicant SME and the external representative (*IP consultancy firm, lawyer,...*)

Visit the [SME Fund webpage](#) for examples of the mandatory documents

-  **Bank statement**
Your company's bank statement containing the following details: **company name** as account holder; full **IBAN number** with country code; and **BIC/SWIFT** code.
[Example of bank statement](#) [Example of EU IBAN numbers](#) 
-  **VAT certificate**
Your company's **VAT certificate** or national registration number certificate, issued by the competent national authority.
[Example of EU VAT identification numbers](#) 
-  **Declaration of honour**
If your SME employs the services of an external representative or you are an external representative acting on behalf of an SME, you must submit a 'Declaration of honour', signed by an authorised owner or employee of the SME.
[Template](#) 

SME FUND 2023 – REIMBURSEMENT PROCESS

- Documents you need to **request the reimbursement**:

- » **IP SCAN**

- Proof of service delivery and payment certificate provided by the national IP Office of your country

- » **TRADE MARKS AND DESIGNS**

- For EUTM and RCD, no need for proof of payment, only the filing number. The EUIPO can check the payment in our own system.
- For national trade marks and designs -> proof of filing and amount paid
- For trade marks and designs filed at WIPO -> proof of filing and amount paid

- » **PATENTS**

- For prior art search -> proof of payment to the national IP Office or the authorised experts
- For national patents -> proof of filing and amount paid
- For patents filed at EPO -> proof of filing and amount paid

- » **COMMUNITY PLANT VARIETIES**

- Proof of filing and amount paid

SME FUND 2023 – FAQ – PROCESS




Can any patent attorney qualify for the refund? Will the application fee also be reimbursed if the fee is paid by the representative? What are the recurring costs to maintain the IP rights?

Can a service provider apply to this fund for their SME clients, or should these apply directly / individually to the EUIPO for their reimbursement?




Attorneys can apply to the SME Fund on behalf of their clients. They can also file and pay for registration of the IP right. However, only the SME, as the beneficiary of the grant, will get the money refunded. Renewal fees are not refundable by the SME fund.


SME FUND 2023 – FAQ – PROCESS




Can an SME in Switzerland that has a subsidiary office in the EU apply and benefit from the SME Fund?



Is it sufficient to extend the activation period on the day before the last day of the two-month initial activation period?




Yes, if the subsidiary office has a tax number from an EU Member State




Yes, if the SME needs extra time the voucher can be extend until the last day, for 2 additional months

SME FUND 2023 – FAQ – PROCESS




I have several companies, can I get a voucher for every company?



Yes, but you must apply for the SME Fund for every company individually, with the relevant mandatory documentation (VAT/TIN and bank account certificate)




Can a self-employed person apply to the Fund without a company?




Yes, if you have an official certificate proving that you are involved in an economic activity

SME FUND 2023 – FAQ – PROCESS




**If we applied in 2021, can we use the same credentials in 2023?
We started an account and received a grant in 2021 - do we have to submit company documents again?**



Yes, you must use the same EUIPO credentials that you already own. However, back in 2021, the SME Fund didn't have a dedicated user account. So, you must create your company profile and submit the documents in the SME Fund account



Do we need a EUR bank account?



No, but your bank account must accept currency in euro and SEPA bank transfers

SME FUND 2023 – FAQ – PROCESS



Hello, can you please clarify the information that repeated applications in 2023 only get coverage for 'different IPRs'? What about different fees concerning the same IP right?



A granted voucher will cover the IP rights initiated during the validity time frame of the voucher. The voucher award date must be prior to the filing date. If you have initiated an IPR filing with a voucher from 2022, a new voucher in 2023 must be used for a new IP right.

SME FUND 2023 – AVAILABLE VOUCHERS

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(5) See the [list of countries](#) covered by European patents


SME FUND 2023 – FAQ – PATENTS




Is it possible to use voucher 3 within 12 months after the grant decision?



Are the fees for extending a national patent to a European or worldwide area supported by SME fund?




You have 2 months to activate and the possibility to extend for 2 additional months. After activation, there is a 12-month implementation period




The SME Fund covers fees


- National patent in EU countries → go to your national office
- European Patents → go to EPO

SME FUND 2023 – FAQ – PATENTS




I have been awarded from the SME fund 2023. May I apply again for 2023?

- 
- Not for voucher 3; one voucher per year
 - You can use it for more than 1 application




Do the funds cover US national patent applications? Can I extend a national French patent outside France (EU / USA / other countries)?

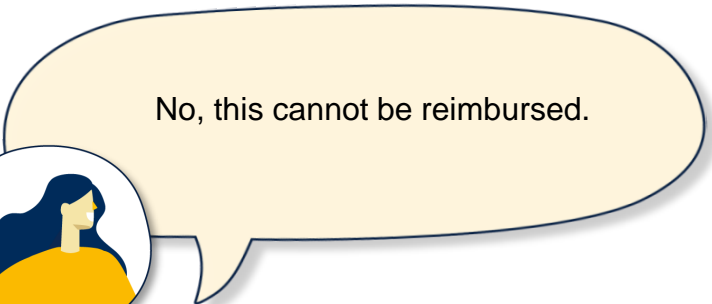


No, US national patents are not eligible. Only national patents filed at in EU countries and European patents filed at EPO)


SME FUND 2023 – FAQ – PATENTS



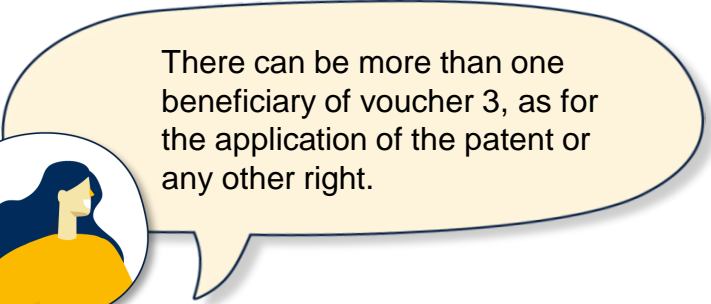
I have an accepted patent application and have paid for it with a private consultant in my country. Could I have a voucher as reimbursement for expenses incurred, please?



No, this cannot be reimbursed.




How common are patent pools? What kind of legal form do they have to take to be effective and useful for all members?




There can be more than one beneficiary of voucher 3, as for the application of the patent or any other right.


SME FUND 2023 – FAQ – PATENTS



Is there a grant that supports an international patent application or PCT search? Does the fund cover entering the EP phase from the international phase?




Who can do the patent prior art searches? Only the national experts?



No, the only fees that the SME fund covers are for:

- national patent application in EU countries;
- European patent application
- Prior art search through MS IPOs



ALL external experts must be contacted through the IP offices, who will provide a list of authorised experts to the beneficiaries

SME FUND 2023 – FAQ – PATENTS



It is not clear why we need IP scan or Prior art search ... we have already conducted a review with 'Google Patents' etc, ... can you please clarify?



- Google Patents is a search engine from Google that indexes patents and patent applications
- A prior art search report covers the findings of a comprehensive search and is carried out by patent examiners, researchers, or legal professionals to assess the novelty and non-obviousness of a new invention before pursuing a patent application


SME FUND 2023 – FAQ – PATENTS




Does the ‘basic filing fee’ for European patents include the search fee?



Yes, the SME fund covers fees for **European Patents** → Filing and search fees



Can the patent prior art search fees be reimbursed if they are made by an IP attorney (not by a national office)?



ALL external experts must be contacted through the IP offices, who will provide a list of these experts to the beneficiaries

SME FUND 2023 – FAQ – PATENTS

Can fees paid for prior art search for the European patent office be refunded? Or only searches by national patent offices?


What exactly does the 'patent prior art search activity cover?

The SME fund covers the prior art search reports that are requested of the national offices, and cover a variety of patent databases and sources, including national patents, European patents, and international patents.

SME fund criteria to accept these fees:

- Must be performed before filing the patent application
- Service provided by staff of IPOs or experts identified/appointed by the IPOs
- Cost of the service is defined by the IPOs


SME FUND 2023 – FAQ – PATENTS




Could we use a patent voucher for the Patent Cooperation Treaty (PCT) application renewal fee?



Can we use voucher 3 for paying our patent attorney for searches?




No, the SME Fund does not cover Patent Cooperation Treaty (PCT) fees. In addition, no renewal of any IP right is considered reimbursable as the IP right already exists prior to the grant decision.




No, legal fees are not covered

SME FUND 2023 – FAQ – PATENTS



Can the SME Fund be used to pay patent related fees (taxes, reduction fees, etc...) for a small company (a start-up)




Does funding of prior art searches have to be linked to a specific patent application in order to be eligible?



NO only the fees

- National patent in EU countries → filing, search, examination, grant and publication fees
- European patent → filing and search fees
- Prior art search through MS IPOs



No, you may request a patent prior art search and decide not to file a patent, and still receive the reimbursement

SME FUND 2023 – FAQ – PATENTS



What is the difference between ‘patent prior art searches’ and ‘search’ in the concepts of the patent voucher?



A patent prior search can be requested before the patent application. These are specialised searches conducted with the intention of assessing the patentability of an invention.
A search report is conducted during the (pre) grant procedure after the patent application.
Both can be conducted by the National IPOs.

SME FUND 2023 – FAQ – PATENTS



My understanding is that I cannot be reimbursed for a patent already filed before applying for the SME Fund? Is that correct?



Correct.

1. You must first submit your application for the SME Fund grant by applying for the voucher you need.
2. You must wait to receive the final decision issued by the EUIPO. After the EUIPO has assessed your application and considers that your company is eligible to receive the fund, you will receive a Grant Award notification communicating that your company has been selected as a beneficiary of the Fund. So, if you have applied for a patent voucher (voucher 3), **ONLY** when you receive the Grant Award and your voucher appears in your SME Fund account,
3. You can then start your patent application in the corresponding patent office

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The Community Plant Variety Office

The CPVO operates, develops and promotes an efficient intellectual property rights system providing customer-centric services, thereby supporting innovation and the creation of new plant varieties for the benefit of society



What we do

- **The Community Plant Variety Office is the European Union agency that manages the plant variety protection system in the EU**
- **Based in Angers, France**
- **Self-financed agency**





DUS examination offices in the EU



The green pins represent the headquarters of entrusted Examination Offices carrying out the DUS Technical examinations on behalf of the CPVO





Cooperation with PVP authorities

- Close cooperation with the network of Examination Offices
- In some countries the PVP Office is also the IP Office
- Usually the PVP Office is under the Ministry of Agriculture
- There is a need to raise awareness on the role of the CPVO, including among national offices managing other IPRs





One single application
to cover the territory
of all the EU Member
States.



Less time and money spent
in comparison to individual
application filing in each EU
Member State.



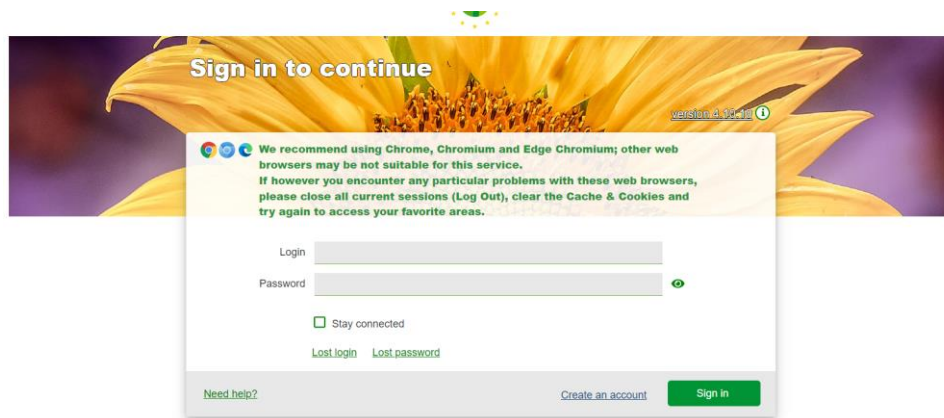
Easier management
of the application and
post-application processes thanks
to a unique contact point.



SME FUND 2023 – VOUCHER 4 FOR COMMUNITY PLANT VARIETIES




Once you receive the voucher from the EUIPO, go to the CPVO Online application/My PVR



Fill in the online application form and submit it. Be sure to have all the elements for the CPVR application ready and pay the fee!

SME FUND 2023 – VOUCHER 4 FOR COMMUNITY PLANT VARIETIES



CPVO
Community Plant Variety Office

|

**Applicant
Address**

Angers, 18 July 2023

Our ref.:
RE: **CPVR application Registration confirmation**

Dear Mr/Ms...

The Community Plant Variety Office herewith acknowledges receipt of your application for a [Community](#) plant variety right in respect of a plant variety with the following provisional designation:

Proposed denomination:
Provisional designation:
Botanical taxon:
File number of the application:
Online application code:
Date of receipt at the Office:

Applicant(s):

Procedural representative:

1. **Date of application:**
The application is complete.

2. **Application Fee**
The €450 application fee has been received on


Yours sincerely,

If the application is complete and you have met all the requirements to receive an application date, the CPVO will issue a document confirming your date of application and payment of the fee.


SME FUND 2023 – FAQ – CPVR




Can the SME Fund be used to pay examination fees?



Can I use the voucher to reimburse an application that I have recently filed?



No, only the online application fee is covered by the voucher under the SME Fund 2023



No, the application date of the CPVR has to be subsequent to the date of the **grant** of the voucher

SHORT VIDEOS IN FRENCH, ITALIAN, SPANISH AND GERMAN (LINKS)



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Unlocking Innovation: SME Fund Offers IP Protection Vouchers and Exclusive Webinars!



INFORMATIVE WEBINARS IN OTHER LANGUAGES



19 September at 10h in Italian.



19 September at 14h in French.



20 September at 10h in Spanish.



27 September at 10h in German.




Register here

EU Survey

Save a backup on your local computer (disable if you are using a public/shared computer)

SME Fund Webinar

Fields marked with * are mandatory.



CPVO
Community Plant Variety Office

Thank you for your interest in our webinars. For the first time, the SME Fund also helps SMEs to apply for protection with the Community Plant Variety Office, with the aim of stimulating innovation, development, and investment in this sector.

Which webinar would you like to attend?

And remember, we are here to help you !

Use the **online chat** if you have any questions!!

If you need any help, contact us at CUSTOMERCARE@EUIPO.EUROPA.EU

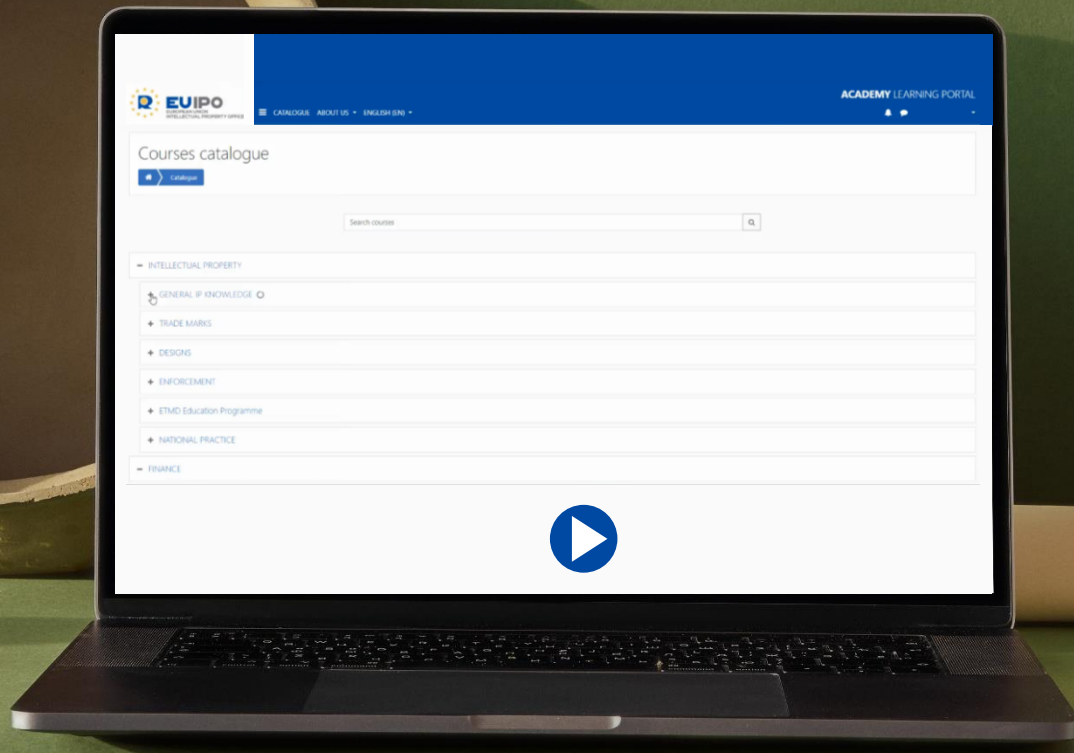
or

contact the national IP office from your country.





Keep in touch with the EUIPO Academy





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EUIPO – Customer Department



Sara PIVA
Community Plant Variety Office

Tamás KIRÁLY
European Commission – DG GROW



EUIPO
EUROPEAN UNION
INTELLECTUAL PROPERTY OFFICE

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THANK YOU

Thank you!



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