



# IPA4SME

*Your path towards IP valorisation*

## **Boosting the use of Intellectual Property with an action specifically designed for Innovative European SMEs – IPA4SME**

### **Guide for Beneficiaries – Service 3**

Version March 2021

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## 1. Introduction

This guide is intended to provide beneficiaries with instructions on how to proceed in order to benefit the most from **IP attorney fee reimbursement** service in an easy and efficient way. It provides step-by-step directions on how the support service should be activated and managed by the beneficiaries.

## 2. Service 3: Partial reimbursement of IP attorney fees

This service offers SMEs the opportunity to access a financial contribution for hiring an IP attorney (Professional Representative) in the field of external legal advice entitled to act before the EPO for the purposes of either preparing the filing for a European Patent or to discontinue an initial idea of patent application.

**Note:** Our support exclusively covers **European Patent** registration processes, which for the purpose of IPA4SME is defined as filing an application for a patent before the EPO **covering more than two EU Member States**. PCT Patents (International) are considered eligible if the registration is being done through the EPO.

Each candidate SME can request the co-financing of more than one EPO/PCT patent application (there is no limit to the number of applications for this service).

Through this support action the beneficiary SME will have the chance to be receive 50% of their IP Attorney costs (up to a maximum of EUR 2 000 per eligible SME per patent application).

### 2.1 Service 3 workflow

The steps involved in activating and receiving Service 3 are the following:

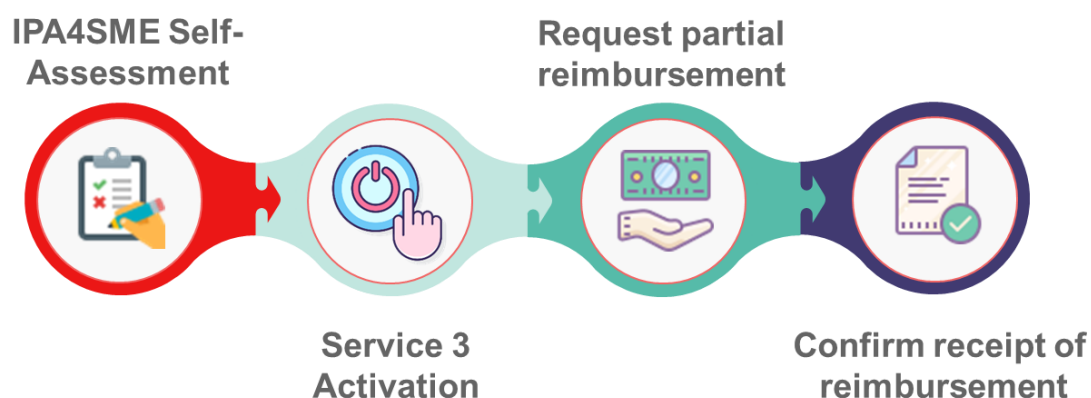


FIGURE 1: SERVICE 3 OVERALL WORKFLOW

1. **IPA4SME Self-Assessment:** The beneficiary should complete the exercise following the communication of the support award.



**Note:** Beneficiaries who have received more than 1 support service need to complete the IPA4SME self-assessment only once.

2. **Service 3 Activation:** Being awarded with Service 3 does not mean that the Service 3 is activated. To activate the support, beneficiaries have to make a first request for reimbursement by uploading in EMS at least 1 valid invoice from an IP Patent together with its corresponding proof of payment. The activation of the service must be done **within 4 months of date of communication of award**.

**2.1 Valid IP Attorney Invoice (Annex I):** Beneficiaries can only be reimbursed once they have one or more valid invoices from an **IP Patent Attorney entitled to act before the EPO**. To be considered valid Service 3 reimbursement the invoice must be issued by an IP Patent Attorney who appears on the **EPO list of professional representatives**<sup>1</sup> and **be issued after the date of communication of IPA4SME support**. To qualify for reimbursement, IP Patent Attorney invoices must include the following information:

To qualify for reimbursement, IP Patent Attorney invoices must include the following information:

- i. **Name of Patent Attorney** – The name must be the same as in the EPO database.
- ii. **Patent application process** – The invoice must reference the title of invention or IP being protected.
- iii. **EPO patent application number** OR a **statement regarding decision to discontinue patent application process**. A model statement is provided in Annex II of this document.

**Note:** In case a beneficiary does not have an EPO/PCT application number yet, to qualify for reimbursement, IP Patent Attorney invoices must include only information about point (i.) and (ii.)

**2.2. Proof of payment:** Beneficiaries must provide proof that the IP Patent Attorney invoice (or the EPO Debit Order submission confirmation) has been paid before partial reimbursement can occur. Only **bank transfer receipts** which clearly indicate the name of the beneficiary, the IP patent attorney and the invoice number (or the EPO Debit Order submission number) **will be accepted**. The date of payment must be **after the date of communication of IPA4SME support**.

3. **Request partial reimbursement:** To request partial reimbursement, beneficiaries simply need to upload one or more valid invoices and corresponding proofs of payment to EMS ("support documentation section").

<sup>1</sup> <https://www.epo.org/applying/online-services/representatives.html>



**Note:** Beneficiaries are requested to upload all the documentation necessary to activate the service as a single PDF or ZIP file in EMS.

4. **Confirmation of reimbursement:** Once the reimbursement has been received from IPA4SME Coordination Centre, the beneficiary will need to upload a signed confirmation, using the model provided in the "Support Documentation" section of EMS. The model will be made available automatically each time the beneficiary makes a reimbursement request.

## 2.2 Timeframe

Service 3 beneficiaries must activate their support service **within 4 months of date of communication of the award**. If a beneficiary does not activate their Service 3 award within 4 months, the support will be cancelled.

Once activated, together with receive a first payment reimbursement, **beneficiaries will have until the end of the IPA4SME project (31<sup>st</sup> December 2021) to make their second request for reimbursement**. Be aware that the second payment request must refer to the same patent number / title through which the beneficiary activated the service.

**Note: Service 3 reimbursements are limited to 2 requests.** For this reason, beneficiaries may submit as many invoices and proofs of payment or debit order confirmations as they have available for each request. Once beneficiaries have made a second request for reimbursement they will not be able to make additional requests even if they have not reached the maximum reimbursement amount.

In the event that a beneficiary has been awarded both Service 2 and 3 from the same cut-off date, **the activation of either of the support services will automatically extend the time for the activation of the other service by an additional 4 months**.



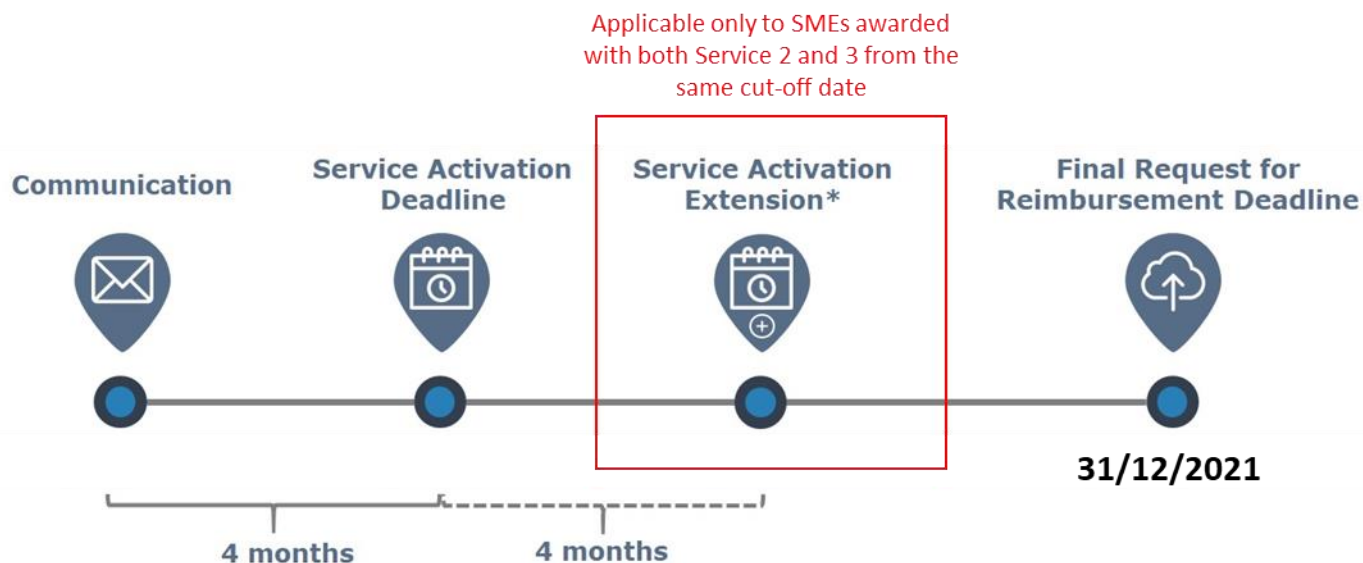


FIGURE 2: SERVICE 3 TIMEFRAME

**Communication:** Date when notification of service award sent by Coordination Centre

**Service Activation Deadline:** Limit for support service activation. If the Support Service has not been activated by this date the support is rescinded unless an extension has been granted.

**\*Service Activation Extension:** Beneficiaries will be given an additional 4 months to activate their Service 2 when they activate the corresponding Service 3 support from the same cut-off date. This only applies when beneficiaries have been granted both Service 2 and 3 support from the same cut-off date.

### 3. Other information

Consult our [Guide for Beneficiaries](#) for more information. This include: managing the support service through the IPA4SME Electronic Submission System (EMS), periodically participating in impact and satisfaction surveys, and providing a valid Financial Identification form for those services which involve the reimbursement of fees paid by the beneficiaries.

Also, please consider that the IPA4SME Coordination Centre has put at the disposal of potential applicants the following email accounts for support:

[calls@ipa4sme.eu](mailto:calls@ipa4sme.eu)

Communications with SMEs involved in the submission of applicants, beneficiaries of support actions and technical support queries.

[helpdesk@ipa4sme.eu](mailto:helpdesk@ipa4sme.eu)

General inquiries and communications with the Coordination Centre. This account will be the primary point of contact for SMEs with Centre once the company is a beneficiary.



In case of doubts or uncertainties, do not hesitate to contact us!

## Annex I: Example of Valid IP attorney invoice

An example of valid IP Attorney invoice is given below:

**Intellectual Property  
Law Firm Logo**

**CARSA**  
Asua-Ia Avanzada Errepidea, 6  
48930, Getxo  
SPAIN

**INVOICE No: XXXX**

**Patent Application No. XXXXX in EPO/PCT**  
Applicant:  
Your ref.:  
**Title of the invention: XXXX**  
**Name of Patent Attorney: XXXX**

*"EPO Registration Fees "TITLE OF INVENTION/IP", EPO Debit Order Number <EPO APPLICATION NUMBER> for the EPO Service <CODE OF SERVICE> provided by <NAME OF PATENT ATTORNEY> to <NAME OF BENEFICIARY> with PIC <PIC NUMBER>".*

SERVICES PROVIDED	COST (EUR)
<b>OFFICIAL FEES</b>	
- Filing fee EP direct online (EPO 001)	XXX
- Fee for European Search (EPO 002)	XXX
- Additional filing fee for the 36th and each subsequent page (EPO 501)	XXX
<b>ATTORNEY FEES</b>	
- Study and drafting of a patent application on your invention	XXX
- Drawing costs	XXX
- Administrative costs of filing the application and representation with the European Patent Office	XXX
<b>TOTAL COST (Official + Attorney)</b>	XXX
<b>VAT (20%)</b>	XXX
<b>Total amount EUR</b>	XXX

Date: April 15, 2021

Invoice must be dated after the date of communication of IPA4SME support.

Fill in and include the following declaration template if you do not intend to translate the original invoice into English.

The reimbursable costs within Service 3 are normally recognized as ATTORNEY FEES.

Invoice must contain information on regards of:

- Title of invention;
- Patent application number (not always available);
- Name of Patent Attorney.

**FIGURE 3: EXAMPLE OF ELIGIBLE INVOICE.**

It is not mandatory to translate the invoice into English. Therefore, to facilitate the reimbursement process, we kindly ask you to include in the invoice the **following model statement**:





"EPO Registration Fees "TITLE OF INVENTION/IP", EPO Debit Order Number <EPO APPLICATION NUMBER> for the EPO Service <CODE OF SERVICE> provided by <NAME OF PATENT ATTORNEY> to <NAME OF BENEFICIARY > with PIC <PIC NUMBER>".

## Annex II: Model Statement of Discontinuation of Patent Application Process

To whom it may concern,

As a result of the advice received by <NAME OF PATENT ATTORNEY<sup>4</sup>>, <NAME OF COMPANY<sup>5</sup>> with <PIC NUMBER> has decided not to continue with the European Patent application for <NAME OF INTELLECTUAL PROPERTY<sup>6</sup>> property at this time.

The reason for this decision is the following (*Please select all that apply*):

- ( ) The decision was made to discontinue the European Patent application process based on feedback received from the EPO.
- ( ) The patent attorney consulted does not believe that the invention meets the requirements to be granted a European Patent.
- ( ) The patent attorney believes that a European Patent is not the most adequate means of protecting the intellectual property in question. The patent attorney's recommendation is to pursue <NAME OF PROTECTION> protection.

Sincerely,

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name of legal representative: \_\_\_\_\_

