

**CALL FOR PROPOSALS N° GR/001/22**

**Ideas powered for business SME FUND**

**Intellectual property vouchers**

**GUIDELINES FOR APPLICANTS**

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# 1 GENERAL OVERVIEW OF THE CALL FOR PROPOSALS

## 1.1 Introduction and background

Intellectual property rights (IPRs) are crucial to help European small and medium-sized enterprises (SMEs) protect and commercially exploit their intangible assets coming from their innovation efforts. European SMEs represent over 99 % of all European enterprises and provide 67 % of total employment in Europe. Therefore, their role is decisive to strengthen EU resilience to the challenges we are currently facing, boost industrial competitiveness, drive the EU economy and improve the lives and the well-being of European citizens.

Considering this, the European Intellectual Property Office's (EUIPO) current Strategic Plan (SP2025) aims at improving how the European IP system works for businesses and especially for SMEs. Through the SME programme, under the strategic driver 2 of SP2025, the EUIPO tackles the need to make IP services more accessible to small businesses and supports the competitiveness of SMEs through better use and protection of their IP.

The 'Ideas Powered for Business SME Fund 2021' initiative launched by the EUIPO is a joint effort between the EUIPO, the European Commission and EU national IP offices in response to the challenges faced by European SMEs due to the COVID-19 pandemic. This initiative, implemented throughout 2021, has proved to be a powerful tool to boost European SMEs' competitiveness through better use and protection of their IP rights.

Since its launch in January 2021, more than 13 000 European SMEs have benefited from this action across all 27 EU countries. While being a great success, this is also a basis and a starting point for the deployment of an improved version, the SME Fund 2022, whereby the EUIPO and the European Commission together propose a new funding scheme that is simpler and more flexible to the evolving IP needs of SMEs in the context of COVID19.

## 1.2 Objectives and priorities

SMEs are the backbone of the European economy. The general objective of this action is to contribute to the strengthening of EU SMEs' growth and competitiveness thereby allowing a faster recovery of the EU economy and greater resilience despite the challenging business environment caused by the COVID-19 pandemic.

The action specifically aims at helping European SMEs leverage their intellectual property assets by providing financial support for IP-related costs. With this financial support, the SMEs that may be going through an economic crisis will hopefully be deterred from cutting costs on their IP assets and/or on their protection. Given the high cost of patents, and the limited financial resources of SMEs, the action also aims at providing financial support for SMEs to cover certain patent costs.

Funding through the SME Fund will take the form of IP vouchers that will co-finance two types of actions:

- **VOUCHER 1:** IP-related activities (IP Scan, trade mark and design protection within and outside the EU);
- **VOUCHER 2:** Patent-related activities.

The related activities are described in section 1.3

These actions are expected to have the following benefits:

- economic support to SMEs during the post-pandemic recovery;
- increased awareness of the benefits of IPR among EU SMEs;
- increased investment in IP-related activities such as IP advice and IP protection;
- stronger competitive advantage due to better management of intangible assets, including the increased protection of the intellectual property of EU SMEs;
- promotion of the EU's objective of supporting the EU's economic recovery, as well as the resulting reputational benefits for the Member State Intellectual Property Offices (MS IPOs) and the EU.

### 1.3 Eligible activities

#### a) IP Scan – IP pre-diagnostic audit (IPPDA) services – VOUCHER 1

IP Scan – IP pre-diagnostic audit (IPPDA) services are intended to provide advice to SMEs on the potential of intellectual property for developing their business. They are provided by experts designated by participating MS IPOs, under their coordination and upon request of the beneficiary.

For IP Scan, SME must be established in a Member State of the European Union in which eligible IP Scan services can be provided. The list of these Member States is available in annex 1.

#### b) Trade mark and design protection within the EU (national, regional and EU levels) – VOUCHER 1

Eligible IP rights are **trade marks and designs** filed directly and electronically (where possible) at the EUIPO and the MS IPOs, including the Benelux Office for Intellectual Property (BOIP).

Where available, the SMEs shall make use of eFiling to ensure the Harmonised Database or DesignClass compliance of the applications and the immediate payment of the application fees (e.g. Fast Track application forms at the EUIPO).

The scope includes trade mark and design fees for acquiring trade mark or design protection in the EU (including application, class, examination, registration, publication and the deferment of publication fees as applicable).

### c) Trade mark and design protection outside of the EU – VOUCHER 1

To support the growth of EU SMEs on a more international scale, the eligible fees include international trade marks and designs using the systems administered by WIPO.

The fees subject to reimbursement are those charged for applications (including basic fees, designation fees and subsequent designation fees) under:

- the international trade mark system (Madrid System);
- the international design system (The Hague System).

Designation fees of EU countries are excluded, as are handling fees charged by the office of origin.

### d) Patent fees for national patent protection – VOUCHER 2

The eligible fees are those charged by the MS IPOs for registering national patents, including the filing fees, the research fees, the examination fees and the publication fees.

To benefit from a patent-related activity, SMEs will have to indicate, for information purpose, whether it has received an IP Scan certificate from a national IP Scan provider in an EU Member State or if it has received the Horizon IP Scan. SMEs are encouraged to first apply for an IP Scan service to maximise the benefits from the patent-related activities.

## 1.4 Available budget and funding rules

The total budget available for the co-financing of actions under this call for proposals is estimated at **EUR 16 000 000**, within the limits provided in the following table:

TYPE OF ACTION	BUDGET	MAXIMUM AMOUNT OF THE VOUCHER	ALLOCATION
Voucher 1 – IP-related activities	EUR 15 000 000	EUR 1 500	Based on the number of participants
Voucher 2 – Patents	EUR 1 000 000	EUR 750	Based on the number of participants

Each SME can request as a maximum one Voucher 1 and one Voucher 2 and the following funding rules will apply per type of activity:

TYPE OF ACTIVITIES	PERCENTAGE OF REIMBURSEMENT AND ELIGIBLE COSTS	FINANCING MECHANISM
Voucher 1		
IP SCANS	90 % of the amount paid for the IP Scan and up to 90 % of the maximum amount per EU Member state as fixed in Annex 1	real costs
TRADE MARKS AND DESIGNS WITHIN THE EU	75 % of eligible fees for regional or national TM / designs or EUTM/RCD (application, class, examination, registration, publication and deferment of publication fees)	real costs
TRADE MARKS AND DESIGNS OUTSIDE THE EU	50 % of eligible fees for Madrid or The Hague applications including basic and designation fees of non-EU countries	real costs
Voucher 2		
NATIONAL PATENTS	50 % of eligible fees for registering a national patent (application, search, examination, registration and publication fees)	real costs

### 1.5 Timetable

The call for proposals will be opened according to the provisional timeframe below:

Call submission period	<b>from 10/01/2022 to 16/12/2022</b>
Start of evaluation of the submitted applications	<b>weekly cut-off: every Friday</b>
Evaluation and notification of results	<b>10 working days from cut-off</b>

The weekly cut-off means that all the applications submitted during the preceding week will go through the evaluation step.

In the event that the Office contacts the applicant during the evaluation process to request complementary information, suspension of the evaluation and notification period takes effect on the date the Office sends the request. The period resumes from the date on which the requested information or revised documents are received.

**Should all the funds be used before the end of the call submission period, the online application system (eForm) will be closed and applicants will be informed of this on the website.**

## 1.6 Who can get the voucher

To be eligible, applicants must be small and medium-sized enterprises (SMEs) established in one of the EU Member States.

'Small and medium sized enterprise ([SME](#))' means a micro, small or medium-sized enterprise as defined in the Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises<sup>1</sup>, that is:

- engaged in an economic activity, irrespective of its legal form (including, in particular, self-employed persons and family businesses engaged in craft or other activities, and partnerships or associations regularly engaged in an economic activity) based on the following thresholds:

Enterprise category	Headcount: annual work unit (AWU)	Annual turnover	or	Annual balance sheet total
Medium-sized	< 250	≤ EUR 50 million	or	≤ EUR 43 million
Small	< 50	≤ EUR 10 million	or	≤ EUR 10 million
Micro	< 10	≤ EUR 2 million	or	≤ EUR 2 million

<sup>1</sup> OJ L 124, 20.5.2003, p. 36.

A legal entity is considered to be engaged in an 'economic activity' if it proves to be involved in any form of trade or activity done for remuneration or pecuniary interest on the market. Thus, in general, any activity consisting in (directly or indirectly) offering goods or services on a given market is an economic activity.

In the eForm, applicants will have to declare to be an SME based on the above set rules and will be requested to upload a recent VAT document or National Registration (TIN) extract from the competent National Authority.

Beneficiaries must self-declare that they have not and will not receive funding from other EU schemes for the same activities.

The applicant may allow an external representative (third person) to submit the application on its behalf. In such case, the applicant must fill in and sign the declaration on annex 3 of the present call for proposals.

## 1.7 How to get the voucher

**Vouchers are not retroactive, costs for activities executed before getting the voucher cannot be reimbursed.**

The following provisions will apply:

1. Applications must be submitted electronically within the call submission period (see section 1.5 timetable). Paper submissions will NOT be accepted.

When filling in the application, applicants may apply for Voucher 1, Voucher 2, or both.

An applicant may only submit another application if:

- The previous application was rejected or
- They wish to apply for the voucher not requested in the first application (i.e. an applicant having been granted Voucher 1 may only apply for Voucher 2 and vice-versa).

2. The Office will examine the submitted applications and request clarification if needed. If successful, the applicant will receive a grant decision. If unsuccessful, the applicant will be notified about the reasons of the negative decision.

3. Beneficiaries may start implementing the related activities only from the date of notification of the grant decision. Further details are provided in Section 4.

4. Requests for reimbursement will be examined and, if accepted, paid by the Office within 30 days from the date of receipt of the requests. Payments will be deducted from

the voucher amount and the total amount of payments must not exceed the maximum amount of the grant.

Detailed information will be published on the [SME FUND webpage](#) to ensure that all applicants are treated fairly and have access to the same information.

## 2 PROCEDURE FOR SUBMISSION

### 2.1 How to submit an application

Applicants must use the online application form (eForm) available from the Ideas powered for business SME FUND web page at:

<https://euipo.europa.eu/ohimportal/online-services/sme-fund>

Proposals sent to the Office by email or as paper copies will not be accepted.

Submission is a **2-step process**:

#### a) creation of a user account

To use the eForm (the only way to apply), applicants must first create an EUIPO Login user account.

Once the Login user account is created, the applicant will have access via a link to the eForm allowing for the creation and submission of the application.

#### b) submission of the application

Submission of an application may be performed in a few simple steps. SMEs must:

- Select which vouchers they are interested in;
- Fill in all mandatory fields regarding applicant information such as company name, address, type of SME, contact person, banking information and language(s) of communication.

**Please pay particular attention to indicate the correct email address of the contact person as all communication related to this procedure will be sent electronically to this contact.**

- Upload the mandatory supporting documents such as VAT or TIN certificate and a bank statement. In the form, there will be links to examples of certificates from all Member States. In case of an external representative submitting the application, the declaration (see Annex 3) signed by the SME must be uploaded.

**Please upload legible and recent versions of these documents as they will be used during the evaluation process, in support to the grant decision and for execution of the payments.**

- Confirm the statements concerning the grant principles of co-financing, prohibition of double financing, and of administrative sanctions in case of false declarations before submission.

Once all the information has been completed and the supporting documents have been uploaded, please **submit your proposal**.

Once a proposal is submitted, the SME is informed by means of an automatic email that the proposal has been successfully received. A copy of the submitted application will be attached. However, this acknowledgement of receipt should not be taken as an indication that the proposal is admissible but only that the proposal has successfully been submitted to the EUIPO.

If you do not receive this confirmation email within an hour, you should immediately contact the following mailbox: [information@euipe.europa.eu](mailto:information@euipe.europa.eu)

If there is a need to clarify certain aspects or to correct clerical mistakes, the Office may contact the SME during the evaluation process.

## 2.2 Contact during the submission period

Any specific questions related to this call must be addressed to the EUIPO Information Centre at: [information@euipe.europa.eu](mailto:information@euipe.europa.eu)

or call directly at [+34 96 513 9100](tel:+34965139100)

**Please first consult the [FAQ section](#) since the Office will use it to regularly publish answers to any questions submitted, in order to ensure all potential applicants are treated equally.**

## 2.3 Data protection

The reply to any call for proposals involves the recording and processing of personal data. This data will be processed pursuant to Regulation (EU) No 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC.

Personal data may be registered in the Early Detection and Exclusion System of the Commission, should the beneficiary be in one of the situations mentioned in Articles 136 and 141 of Regulation (EU, Euratom) 2018/1046.

For more information please refer to the data protection [statement/privacy statement](#) on the online application form.

### 3 AWARD PROCEDURE

The Office (EUIPO) is responsible for the evaluation and selection of proposals submitted under this call for proposals.

The evaluation process is based on the following key principles:

- ✓ equal treatment – all proposals are evaluated in the same manner against the same criteria, and;
- ✓ transparency – adequate feedback is provided to applicants on the outcome of the evaluation of their proposals.

#### 3.1 Admissibility requirements

All applications are first checked for compliance with admissibility requirements. These checks aim to assess:

- whether the application has been submitted electronically using the electronic application form (eForm);
- whether it has been submitted before the deadline (see Section 1.5 – Timetable);
- whether it is complete;
- whether no similar voucher was already granted to a same applicant.

#### 3.2 Eligibility checks

Eligibility covers:

- **Eligibility of applicants:** applicants that are not a small and medium-sized enterprise (SME) as defined in the [EU recommendation 2003/361](#) established in one of the EU Member States, are not considered eligible.
- **Exclusion criteria:** applicants in certain situations will be excluded (e.g. applicants that are bankrupt or being wound up, applicants that have been guilty of grave professional misconducts, etc.).

The exclusion situations are in Article 136(1) a to h of the Financial Regulation<sup>(2)</sup> and are described in annex 2 of the present guidelines. The EU's Early Detection and Exclusion System may be consulted to check the status of applicants.

- **Selection criteria:** applicants not having the capacity to maintain their activity throughout the duration of the grant to implement the eligible activities described in section 1.3. will not be considered as eligible applicants.

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<sup>(2)</sup> Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union

**The above criteria (eligibility, exclusion and selection) will be checked on the basis of a self-declaration and/or appropriate supporting documentation, as follows.**

Applicants will be requested to declare that they have read the declaration of honour embedded in the eForm and to certify that:

- the applicant is fully eligible and has the capacity in accordance with the criteria set out in the call for proposals;
- the applicant is not in one of the situations of exclusion set out therein.

In addition, applicants will be requested to provide a recent VAT or TIN certificate issued by their competent national authority demonstrating the legal existence of their company.

The Office reserves the right to request further documentation to prove the veracity of this declaration. Administrative sanctions may be imposed on applicants if any of the declarations or information provided as a condition for participating in this procedure proves to be false.

In case any further clarifications are needed, applicants may be contacted during the evaluation process.

**Proposals which do not meet the admissibility or eligibility requirements will be rejected, and applicants will be duly informed of the ground(s) for rejection.**

### **3.3 Evaluation/Final Selection Process**

Admissible and eligible proposals will be assessed on the basis of the following criteria:

- **Any identified/identifiable risks of double-funding from EU schemes or other EU-funded national schemes for the same activities.**

This requirement is fulfilled only if applicants tick the appropriate box in the online application form (eForm) indicating they have not applied for, or received, any national or EU funding for the same services or part of the services requested. If double funding is detected, the proposal will be rejected.

- **First come, first served basis**

The proposed action(s) must conform to the set objectives and priorities of the call, and applications received first will be given priority, as recognition of the motivation and speed of purpose of the applicants. Proposals will be funded in chronological order based on the application date and time (registration number) until the budget is exhausted.

During the evaluation process, a list of those proposals recommended for funding will be drawn up. Another list will be drawn up for those proposals that have been denied funding.

The award decision is then adopted. This will list all the proposals selected for funding, the respective maximum amounts of funding per action(s) and the beneficiaries of the grant.

### **3.4 Notification of the outcome**

Applicants will be notified individually about the results of the evaluation process after the award decision has been adopted.

Applicants whose proposals are rejected will be duly informed about the ground(s) for rejection.

Applicants whose proposals are selected for funding will receive a grant decision signed by the Office, drawn up in euro and detailing the general conditions and the level of funding. The decision must not be returned to the Office.

The model grant decision available in annex 4 is not negotiable. The applicants understand that submission of a grant application implies acceptance of the provision of the present guidelines, the grant decision and the general conditions.

This formal notification will be sent by email to the contact person provided in the eForm. It is the responsibility of the applicant to provide a valid email address for the contact in the eForm.

### **3.5 Publicity and dissemination of results**

All grants awarded in the course of a financial year may be published on the Office website during the first half of the year following the closure of the budget year during which they were awarded.

The beneficiary authorises the Office to publish the following information in any form and medium, including via the internet:

- the beneficiary's name and address,
- the subject and purpose of the grant,
- the amount awarded.

The beneficiary also authorises the Office to share this information with National IP offices and the European Commission.

Upon a reasoned and duly substantiated request by the beneficiary, the publication will be waived if such disclosure risks threatening the rights and freedoms of the individuals concerned or harm the commercial interests of the beneficiaries. This is in line with the protection afforded by the Charter of Fundamental Rights of the European Union.

## **4 PROCEDURE FOR IMPLEMENTING THE GRANT DECISION (VOUCHER)**

**The Grant Decision shall take effect on the date of its notification to the beneficiary ('the starting date').**

The Grant Decision is divided into the following two periods:

### **- Activation period**

The activation period runs for a period of 4 months as of the day following the starting date.

The Voucher must be activated within this period with at least one activity initiated and the corresponding request for payment submitted by the beneficiary.

In case this first request for payment is rejected by the Office, beneficiaries will be notified of the non-activation of the Voucher. Another request for payment may then be submitted, still within the activation period, in order to activate it.

Activation of the Voucher triggers the implementation period (see following subsection).

The activation period may be extended prior to expiration for a period of 2 months under the same conditions, by submitting a request for extension. This extension will be granted automatically upon receipt of the request for extension, provided that it was received by the Office before expiration of the activation period.

### **- Implementation period**

The implementation period starts on the first day following its activation for a period of up to 6 months for Voucher 1 and up to 12 months for Voucher 2. During this period, beneficiaries may implement the activities covered by their voucher(s) and submit the related requests for payments.

The overall implementation period may in no event exceed 6 months for the Voucher 1 and 12 months for the Voucher 2.

**The Voucher shall end:**

- **at the end of the activation period if no request for payment was submitted ('the expiry date') or**
- **at the end of the implementation period ('the ending date').**

An additional 30 days after the ending date of the voucher are available solely for the purpose of requesting payments.

### **Contact during the implementation period**

Any specific questions related to the implementation of the grant decision (voucher) can be addressed to the EUIPO or to the contact points at National Intellectual Property Offices which will be provided to the beneficiaries in the individual communication of the grant decision.

## 5 PROCEDURE FOR REQUESTING PAYMENT

### 5.1 Submission of requests for payment

Beneficiaries must request the payment of the voucher using the link to the electronic request for payment form available in the user area.

The information submitted in this payment request form must provide details of the activity or activities implemented and the related fees actually incurred and claimed by the beneficiary.

The beneficiary must certify that the information provided in the request is complete, correct and true. The beneficiary must also certify that the costs incurred are eligible and that the request for payment is substantiated by adequate supporting documents.

**Please note that once the total amount of the voucher has been used, no further request for payment will be possible.**

### 5.2 Assessment of requests for payment

Payments are subject to the approval of the payment request and of the accompanying documents.

The assessment of the request includes the following elements:

- an evaluation of the activities carried out (to check that they correspond to the activities defined in the call for proposals and set in the grant decision);
- an evaluation of the eligibility of declared fees: this includes checking the supporting documentation.

If the request is incomplete or needs clarification, the Office will contact the beneficiary and specify the data/form that should be submitted with the additional information.

Declared fees may be judged ineligible during assessment for any of the following reasons:

- services not corresponding to the eligible activities;
- services implemented outside the validity of the voucher;
- a lack of supporting documents relating to expenses claimed.

The Office calculates the amount due as follows:

Step 1 — It applies the reimbursement rate to the eligible costs set in section 1.4;

Step 2 — It deducts the amount due from the amount still available under the Voucher.

Payments are **LIMITED** to the maximum grant amount stated in the Voucher. In the event of multiple requests, this amount will be checked with the amount already accepted for the previous activities.

### **5.3 Payment execution period**

The amount due will be paid to the beneficiary's bank account (indicated in application or amended in the request for payment) and the time limit for the Office to make the payment will be 30 days from the receipt of the request for payment.

This payment period is suspended when the Office requests additional information from the beneficiaries. Suspension takes effect on the date the Office sends this request. The remaining payment period resumes from the date on which the requested information or documents are received and validated by the Office.

The Office will notify electronically the execution of the payment to the beneficiary accordingly.

### **5.4 Ex post verifications — Irregularities and/or false declarations**

The EUIPO and/or other EU bodies (European Court of Auditors, the European Public Prosecutor's Office, the European Anti-Fraud Office (OLAF) or a body mandated by them) reserves the right to carry out — at any moment — checks, reviews, audits or investigations.

If participants already received EU funding for the same activities as those for which a request for payment of the voucher is made, undue amounts paid will be recovered.

In case of irregularities or false declarations, participants may moreover be fined and excluded from future funding (grants/tenders, prizes, contribution agreements, etc.; see Articles 135 to 145 of the EU Financial Regulation) In addition, the European Anti-Fraud Office (OLAF) may be informed.

### **Annexes**

Annex 1 — List of maximum amounts by EU country for IP SCAN

Annex 2 — Exclusion situations

Annex 3 — Declaration for representatives

Annex 4 — Models of grant decision (VOUCHER)