

# CALL FOR PROPOSALS No *GR/001/25*Ideas Powered for business SME Fund Intellectual property vouchers

#### **GUIDELINES FOR APPLICANTS**

# **TABLE OF CONTENTS**

1	GENERAL OVERVIEW OF THE CALL FOR PROPOSALS				
	1.1	Introduction and background	4		
	1.2	Objectives and priorities	4		
	1.3	Eligible IP activities	5		
	1.4	Available budget and funding rules	9		
	1.5	Timetable	10		
	1.6	Who can get the voucher?	11		
	1.7	How does the voucher work?	12		
2	PROCEDURE FOR SUBMISSION				
	2.1	How to submit an application	14		
	2.2	Confirmation of submission	16		
	2.3	Withdrawal of application	16		
	2.4	Contact during the submission period	16		
3	AW	ARD PROCEDURE	17		
	3.1	Admissibility requirements	17		
	3.2	Eligibility checks	18		
	3.3	Evaluation / Final selection process	19		
	3.4	Notification of the outcome	19		
	3.5	Publicity and dissemination of results	20		
4		OCEDURE FOR IMPLEMENTING THE GRANT DECISION UCHER)	20		
	4.1	Activation period	21		
	4.2	Implementation period	22		
5	PRO	OCEDURE FOR REQUESTING PAYMENT	24		

	5.1	Submission of requests for payment	24
	5.2	Assessment of requests for payment	24
	5.3	Payment validation	29
	5.4	Payment execution period	29
	5.5	Ex post verifications – irregularities and/or false declarations	30
6	DAT	A PROTECTION	31
Δnn	ΑΥΔΕ		31

#### 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 resulting 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 in strengthening EU resilience, boosting industrial competitiveness, driving the EU economy and improving the lives and well-being of the European public.

Considering this, the European Union Intellectual Property Office's (EUIPO) Strategic Plan for the 2025-2030 period (SP2030) aims to support SMEs in understanding and using IP rights. One of the goals of the SP2030 is to encourage SMEs, who have historically been underrepresented in the IP ecosystem, to fully participate and benefit from it and thus contribute to an environment that stimulates entrepreneurship, innovation and creativity in Europe.

Following the successful implementation of the 2021 SME Fund pilot initiative, the EUIPO, in partnership with the European Commission (EC), signed a Contribution Agreement to implement the multiannual 2022-2024 SME Fund initiative under the EU Single Market Programme. Due to the keen interest from SMEs, and other stakeholders, the EUIPO and the EC have agreed to extend the SME Fund initiative throughout 2025. Since 2023, Ukraine-based SMEs have also been eligible to benefit from this scheme.

The EC's Single Market Programme, of which the SME Fund is part, aims to boost the competitiveness and sustainability of EU SMEs while supporting the EU's goal of green and digital transition. In the current economic climate, supporting IP investment is crucial in ensuring that SMEs continue to thrive.

#### 1.2 Objectives and priorities

SMEs are the backbone of the European economy. The general objective of this action is to strengthen the growth and competitiveness of EU SMEs, helping companies seize new opportunities, fostering innovation, and reinforcing the EU's economic resilience amid challenges from the post-pandemic recovery and the ongoing impacts of the Russian aggression in Ukraine.

This action is designed to support EU-based and Ukraine-based SMEs in maximising the value of their intellectual property assets by offering financial assistance for IP-related expenses. The funding aims to prevent SMEs under financial pressure from reducing their investments in IP assets and protection.

The objective of the 2025 SME Fund scheme is to financially support SMEs that wish to:

- benefit from an IP Scan and/or IP Scan enforcement service, and/or;
- protect their trade marks and designs through national, regional, European Union or international IP systems, and/or;
- protect their patents at national level (through any of the Member State IP offices (MS IPOs) or at European level (through the European Patent Office (EPO)) and/or;
- protect their Community plant varieties.

As in previous years, financial support will be provided in the form of vouchers and the funding will be implemented by the EUIPO through grants awarded to EU and Ukraine-based SMEs in accordance with the EU and the EUIPO's financial regulations.

The 2025 SME Fund, which is based on the success of the multiannual 2022-2024 scheme, is expected to provide the following benefits:

- economic support to SMEs during the post-pandemic recovery period;
- increased awareness of the benefits of IPRs among EU-based and Ukraine-based SMEs;
- increased investment in IP-related activities, such as IP strategic advice and IP protection;
- greater competitive advantages for EU-based and Ukraine-based SMEs due to better management of intangible assets, including protection of their IP in the EU and beyond;
- contribute to the EU strategy to support the economic recovery of both EU and Ukraine:
- increased support for SMEs involved in the ecological transition and the EC's Green Deal objectives;
- harmonisation of IP Scan service practices in Europe.

#### 1.3 Eligible IP activities

The vouchers are valid for a limited period of time. Therefore, SMEs are encouraged to only apply for a voucher when they are ready to implement one of the eligible activities covered by the voucher. If vouchers are awarded, the eligible activities must be initiated within a specific limited time following the award notification, and a request for reimbursement must be submitted before the voucher expires. Refer to section 4 'PROCEDURE FOR IMPLEMENTING THE GRANT DECISION (VOUCHER)' for the detailed information on the specific time limits for voucher usage.

#### a) IP Scan services – Voucher 1

Voucher 1 will cover IP Scan (IP pre-diagnostic audit) / IP Scan Enforcement services for a **maximum grant amount of up to EUR 1 350** per beneficiary.

#### IP Scan service

IP Scan or IP pre-diagnostic audit (IPPDA) service aim to advise SMEs on the potential of IP to develop their businesses, identifying the types of IP assets that may be valuable and should be protected. They also aim to identify any IP that is already protected and that could be further exploited to gain additional benefits to support the growth of their business.

#### • IP Scan Enforcement service

IP Scan enforcement services aim to advise SMEs whose IP rights are infringed, that face charges of IP rights infringement by a third party, or that run a high risk of such infringements.

IP Scan and IP Scan Enforcement services are delivered by experts appointed by the participating MS IPOs under their coordination, upon request from the SMEs. For both services, under the SME Fund scheme, SMEs must be established in an EU Member State where these services are provided.

The list of Member States offering these services and the maximum grant amount per Member State are available in Annex 1 of the call for proposals.

Eligible SMEs may apply for an IP Scan service and a separate IP Scan Enforcement service, **but not in the same application**. The second service may be requested through a subsequent application from the next weekly cut-off(1). As a result, a maximum of two vouchers can be granted in those Member States where both services are offered.

EU SMEs will be entitled to apply for a **90** % **reimbursement** of the cost of each voucher within the limits established for each participating MS IPO in Annex 1.

Ukraine-based SMEs are not entitled to apply for Voucher 1.

#### b) Trade marks and designs - Voucher 2

The voucher amount is **up to a maximum of EUR 700** per beneficiary for the following activities:

#### • Trade mark and design protection at national, regional and EU levels

Eligible IP rights are trade marks and designs filed directly and electronically (where possible) at the EUIPO and at MS IPOs.

Eligible SMEs can apply for a **75** % **reimbursement of the trade mark and design fees** for acquiring trade mark or design protection in the EU (including application, classes, examination, registration, publication and deferment of publication fees). IP rights similar to trade marks are included depending on applicable legislation (e.g. logotype protection under Portuguese law is covered).

#### • Trade mark and design protection at international level

To support EU SMEs' growth on a more international level, the eligible fees for international trade marks and designs administered by the World Intellectual Property Organization (WIPO) may be **reimbursed up to 50**%. This activity intends to extend the support currently offered to EU SMEs, assisting them in the internationalisation process, while boosting the innovation and competitiveness of EU SMEs globally.

<sup>(1)</sup> Applications received from Saturday to the following Friday are considered part of the same weekly batch.

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);
- o the international design system (The Hague System).

Designation fees for an international trade mark and/or design are eligible, including one or several EU Member State(s) and/or the EUIPO.

The handling fees charged by the office of origin for an international trade mark and/or design application are excluded from this scheme.

Ukraine-based SMEs can be reimbursed for international applications filed at WIPO when designating the EU (EUIPO) and EU Member States.

#### c) Patents - Voucher 3

Voucher 3 will cover different patent-related activities, depending on the geographical scope of protection:

Patent protection at national level (through MS IPOs)

Protection for national patents will be **reimbursed by 75 % up to a maximum of EUR 1 000** per beneficiary for the following activities:

Patent prior art search service fees

The fees charged for patent prior art search, provided or coordinated by the MS IPOs. Prior art search may also be provided by the Visegrad Patent Institute.

Patent fees for national patent protection

The fees charged by the MS IPOs for registering national patents includes the applicable fees for obtaining national patent protection in an EU Member State (namely, filing, search and examination fees, grant and publication fees).

National patent applications submitted via the Patent Cooperation Treaty (PCT) are not eligible.

National patent applications filed as a first application or claiming priority are eligible.

 Patent protection at European level (through the European Patent Office (EPO))

The voucher amount is **up to a maximum of EUR 2 500** per beneficiary for the following activities:

o Patent fees for European patent protection

The fees, including both filing and search fees, charged by the EPO will be reimbursed by 75 % up to a maximum of EUR 1 000 per beneficiary.

Patent applications submitted via the Patent Cooperation Treaty (PCT) are not eligible.

European patent applications filed as a first application or claiming priority (including from a PCT) are eligible.

 Legal costs for the drafting and filing of a new European patent application

The above legal costs are eligible only if provided by persons or entities established in the EU and who are entitled to represent applicants in proceedings before the EPO (2) in accordance with the European Patent Convention (EPC).

Eligible SMEs can apply for a **50** % **reimbursement up to a maximum of EUR 1 500**, only if the service is related to preparing and filing a European patent application that is duly filed at the EPO.

Legal fees related to patent applications filed via the PCT are not eligible.

Eligible SMEs may apply for a patent voucher for national patent protection and a separate voucher for European patent protection, **but not in the same application**. A second voucher may be requested in a subsequent application after the next weekly cutoff (3). SMEs planning to engage in national and European patent related activities may be granted a maximum of two patent vouchers.

#### d) Community plant varieties - Voucher 4

The maximum amount of the voucher is up to **EUR 1 500** per beneficiary for Community plant varieties.

The online filing and examination fees charged by the Community Plant Variety Office (CPVO) will be **reimbursed by 75** %.

Voucher 2 (trade marks and designs), voucher 3 (patents) and voucher 4 (Community plant varieties) may be used to cover eligible expenses related to the registration of <u>new IP rights</u>. Renewals of IP rights are not eligible.

A summary of the different vouchers is provided in the table below:

<sup>(2) &</sup>lt;a href="https://www.epo.org/en/applying/representatives?size=n\_10\_n">https://www.epo.org/en/applying/representatives?size=n\_10\_n</a>

<sup>(3)</sup> Applications received from Saturday to the following Friday are considered part of the same weekly batch.

	IP ACTIVITY	ACTIVITY FEES INCLUDED	COVERAGE	REIMBURSEMENT	VALUE (EUR)	ACTIVATION PERIOD	IMPLEMENTATION PERIOD
5	IP Scans	IP Scan in countries of participating offices  IP Scan enforcement in countries of participating offices	National level	90%	1 350	6 months	NONE
V2	Trade marks &	Trade mark or design protection Application, class, examination, registration, publication, and deferment of publication fees	National, regional, and EU levels	75%	700		6 months
	designs	Madrid and The Hague trade mark or design protection Basic, designation, and subsequent designation fees including EU countries (2)(3)	International level	50%	700		
V3	Patents	Patent protection Patent prior art searches provided by IPOs (4) Filing, search and examination, grant and publication fees	National level	75%	1 000	1 month (extendable to 2 months)	
		Filing and search fees (5)	European level	75%	1 000		
		Legal costs for patent application drafting & filing $_{(6)}$		50%	1 500		
V4	Plant varieties	Plant variety protection Online filing and examination fee with CPVO	EU level	75%	1 500		

- (1) Depending on the applicable fees at national level for this service.
- (2) Excluded fees: handling fees charged by the office of origin.
- (3) Ukraine-based SMEs can be reimbursed for international applications (WIPO) designating the EU (EUIPO) and EU Member States.
- (4) Global search service may be provided by MS IPOs or the Visegrad Patent Institute.
- (5) See the <u>list of countries</u> covered by European patents.
- (6) Eligible only if provided by persons or entities established in the EU who are entitled to represent applicants in proceedings before the European Patent Office (EPO), in accordance with the European Patent Convention (EPC) and related to a registered European patent application.

An exhaustive list of fees per type of IP activity is available on the SME Fund web page at the following address:

https://www.euipo.europa.eu/en/sme-corner/sme-fund/2025

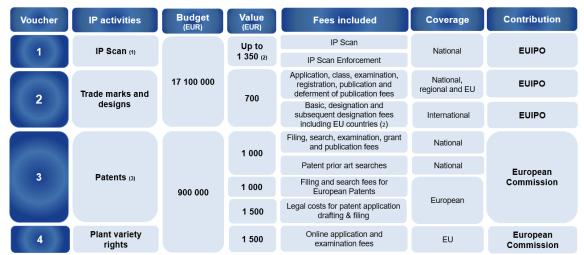
Please also refer to the <u>FAQs</u> where additional information regarding the eligibility of fees per type of IP activity is further detailed.

#### 1.4 Available budget and funding rules

The total budget available for the co-financing of actions under this call for proposals is **EUR 18 million**.

The EUIPO reserves the right not to distribute all the available funds, to increase the budget, or to reuse, either fully or partially, the budget of those vouchers that have not been used and have expired.

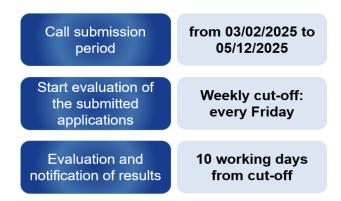
An SME can request and be granted one voucher per type of IP activity (except for the IP Scan and Patent vouchers) within the rules and limits for funding provided in the following table:



<sup>(1)</sup> Two vouchers can be requested, one for IP Scan and another for IP Scan Enforcement. The second service may be requested through a subsequent application from the next weekly cut-off.

#### 1.5 Timetable

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



The weekly cut-off means that all the applications submitted during the preceding week will go through the evaluation step. So, all applications received from Saturday to the next Friday will be evaluated in the following week.

During the evaluation process, if the EUIPO contacts the applicant to request complementary information, the process will be paused for a duration of 5 working days starting from the date the request is issued. Failure to submit the necessary information within this period will lead to the rejection of the grant application.

For any voucher, should the budget be exhausted before the end of the call submission period, the online application form (eForm) will be closed for that voucher and applicants will be informed on the website.

<sup>(2)</sup> Depending on the applicable fees at national level for this service (see Annex 1).

<sup>(2)</sup> Two vouchers can be requested, one for National Patent and Prior Art Search and another one for European Patent and legal costs. The second service may be requested through a subsequent application from the next weekly cut-off.

Should additional funds be made available before the end of the call submission period, the online application form (eForm) will be reopened for that voucher and applicants will be informed on the website.

#### 1.6 Who can get the voucher?

To be eligible, applicants must be small or medium-sized enterprises (SMEs) established in one of the EU Member States or in Ukraine, in territories that are under the effective control of the Ukrainian government at the time the application is submitted.

EU restrictive measures – Special rules apply to certain entities (e.g. entities subject to <u>EU restrictive measures</u> under Article 29 of the Treaty on the European Union (TEU) and Article 215 of the Treaty on the Functioning of the EU (TFEU) and entities covered by Commission Guidelines No <u>2013/C 205/05</u>). These entities are not eligible to participate in any capacity, including as beneficiaries, affiliated entities, associated partners, subcontractors or recipients of financial support to third parties (if any).

'Small and medium-sized enterprise (<u>SME</u>)' is defined in Commission Recommendation <u>2003/361/EC</u> of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (<sup>4</sup>). These enterprises are engaged in economic activities, irrespective of their 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:



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 in exchange for payment or commercial gain on the market. Therefore, in general, any activity consisting of (directly or indirectly) offering goods or services on a given market is an economic activity.

Self-employed applicants are eligible to apply to the SME Fund provided that they submit an official certificate issued by the relevant national authority proving that they are involved in an economic activity.

Foundations are eligible to apply to the SME Fund <u>provided less than 25 %</u> of their capital or voting rights are directly or indirectly controlled, jointly or individually, by one or more public bodies.

\_

<sup>(4)</sup> OJ L 124, 20.5.2003, p. 36.

In the online application form (eForm), applicants will have to declare their compliance with the above set of rules and will be requested to upload a recent value-added tax (VAT) or national taxpayer registration (TIN) extract from the competent national authority.

SMEs must also self-declare that they have not and will not receive funding from any other national or EU schemes for the same activities or part of the activities covered by this call.

#### **External representatives**

A representative is defined as any third party, whether a natural or legal person, who is duly authorised by the SME to represent it legally.

The SME may authorise an external representative (third person) to submit the application on its behalf. In these cases, the SME must fill in, date and sign (either manually or electronically) the template document titled 'Declaration on honour for external representatives' in Annex 3 of the present call for proposals.

This declaration is valid for any subsequent application submitted on its behalf under the present call for proposals.

If an SME uses the services of an external representative, only the SME will be the beneficiary of the grant decision (voucher). The representative can fill in the application form or the subsequent 'request for reimbursement' form on behalf of the SME. However, the reimbursement will be paid directly into the SME's bank account as the beneficiary of the grant decision.

#### 1.7 How does the voucher work?



<u>Vouchers are not retroactive</u>. Costs incurred prior to the date of the grant decision notification will not be reimbursed by the voucher.

It is important to follow the sequential order of the steps described below.

In step 1, applicants apply for the grant by selecting the specific type of voucher(s) that cover(s) the IP activity they are interested in implementing. Applicants may apply for one or several vouchers at the same time or during subsequent applications. Please remember though that the vouchers have specific time limits for activation once they are awarded. Therefore, applicants should be prepared to use their vouchers as soon as they receive a positive grant decision, to make sure they meet the time limit for activation without delay.

Please do NOT implement any of the eligible IP activities (see section 1.3) BEFORE receiving the grant decision, which is notified electronically. Otherwise, the related fees will be considered ineligible and, therefore, non-refundable.

In step 2, applicants will be notified of the result. The grant decision related to specific voucher(s) will take effect on the date of its notification to the beneficiaries (via email to the email address(es) provided in the SME Fund application). Once notified, the vouchers will also be displayed in the SME Fund account.

In step 3, beneficiaries may implement the IP-eligible activities related to the voucher(s) awarded. Do not forget that you have a limited period to activate your voucher(s). Once a voucher has expired, it cannot be used, extended or requested again during the present call.

**In step 4**, beneficiaries request their reimbursement(s) for the IP activities they have implemented up to the limit of their voucher(s) (see section 1.3).

This process will also be published on the SME Fund web page.

#### 2 PROCEDURE FOR SUBMISSION

#### 2.1 How to submit an application

Applicants must use the online application form (eForm) available through the dedicated SME Fund account:

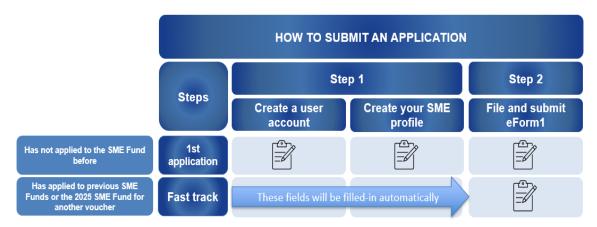
https://euipo.europa.eu/sme-fund-2025

Detailed information on the process of submitting an application, as well as a step-bystep video tutorial, is available on the SME Fund web page:

https://www.euipo.europa.eu/en/sme-corner/sme-fund/2025/how-to-apply

Applications sent to the EUIPO by other means such as email or paper will not be accepted.

The application process is as follows:



#### 2.1.1 Step 1 – creation of a user account and 'My SME' profile

This step applies to first-time applicants only, with no prior participation in previous SME Fund schemes.

For other applicants, who have already been beneficiaries under the 2022, 2023 and/or 2024 calls or have previously been awarded a voucher under the current 2025 call, the Fast Track option takes you directly to step 2 'submission of the application'.

To use the eForm (the only way to apply), applicants must have an EUIPO login user account.

- The credentials from the EUIPO login user account are the same as those to be used to access the <u>SME Fund account</u>.
- Vouchers cannot be transferred from one user to another. The vouchers are linked
  to the EUIPO user account, which is used to fill in the SME Fund application in
  the first instance. The user filling in the SME Fund application will be the only user
  with rights to manage the application and the voucher(s) (extend them, activate
  them, submit reimbursement requests, renounce them, etc.).

Once the EUIPO login user account is created, applicants will have access to the <u>SME</u> <u>Fund account</u>, where they can create their SME profile by filling in the necessary data and uploading the related and mandatory documentation to submit an SME Fund application.

Ensure that the email addresses provided for the contact persons are accurate, as all communications regarding this procedure will only be sent electronically to the email addresses listed in the application. Changes to the contact details in the <a href="Months Fund account"><u>SME Fund account</u></a> made after an application has been submitted will not be synchronised.

Upload the following documentation to create your SME profile:

- A VAT or TIN certificate. Examples of accepted tax certificate samples, from all EU member states and Ukraine, can be found on the SME Fund webpage using this link.
- An official bank certificate. This document, typically a certificate of bank account ownership issued by the bank, must include the following details: the company name (account holder), the complete IBAN number (including the country code), and the BIC/SWIFT code. The bank account holder must be the applicant SME. The bank account must accept currency in euro and SEPA bank transfers (with the exception of Ukraine, where international bank transfers apply). Please use an IBAN checker online to confirm whether your bank account accepts euro transactions, otherwise payments may be rejected.
- Where the application is managed by an external representative, a third document is required: the **Declaration on honour for external representatives** (Annex 3 of the present call for proposals), which must be duly filled out, dated and signed (either manually or electronically) by both parties.

Please upload legible versions of these documents, in PDF format, as they will be used during the application evaluation process and for making payments.

#### 2.1.2 Step 2 – submission of the application

#### This step applies to all applicants:

- first-time applicants, with no previous participation in the SME Fund scheme;
- Fast Track applicants, who have already been awarded a voucher under the 2022, 2023 and/or 2024 calls or have previously been awarded another voucher under the current 2025 call.

An application can be submitted in few simple steps. SMEs must access the SME Fund online application form through the <u>SME Fund account</u> and:

- select which vouchers they are interested in implementing;
- check the accuracy of the prefilled mandatory information regarding the applicant, and:
  - o if there are no changes or errors, the applicant can continue with the application process;
  - o if there are changes or errors, the applicant must return to the menu section titled 'My SMEs', correct the information in the company profile and/or upload any updated supporting documents;

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

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

#### 2.2 Confirmation of submission

Once an eForm is submitted, the applicant will be directed to a confirmation screen certifying that the application has been correctly submitted. Make sure you reach the last screen in the application process. If an application is only saved as a draft, and therefore not submitted for evaluation, it will be listed under the section 'Drafts (not submitted)' in the 'SME Fund application' menu of your <u>SME Fund account</u>.

However, if an application is successfully submitted, it will be listed under the section 'Submitted applications', with an application reference number assigned to it and the status 'In process'. Furthermore, the applicant will receive an automatic email confirming that the application has been successfully received. However, this acknowledgement of receipt should not be taken as an indication that the application is admissible. It only means that the application has been successfully submitted for evaluation to the EUIPO.

If you do not receive this confirmation email within an hour, please contact the following mailbox: customercare@euipo.europa.eu.

If there is a need for further clarification regarding the application data and/or supporting documents, the EUIPO will contact the applicant via email during the evaluation process. A request for clarification will be sent electronically to the contact persons (the email addresses provided in the application), so please check your mailbox during this period (including the spam folder). In the <a href="SME Fund account">SME Fund account</a>, your application will be shown as 'Clarification'.

The SME must reply by the fixed deadline given in the request for clarification, otherwise the application may be rejected.

#### 2.3 Withdrawal of application

If an applicant wants to withdraw its application before it reaches the award/notification stage, an email must be sent to: <a href="mailto:grants.smefund@euipo.europa.eu">grants.smefund@euipo.europa.eu</a> specifying the application reference number.

Withdrawal takes effect on the date of the confirmation email sent by the EUIPO.

Once withdrawn, the SME may apply again for voucher(s) they are interested in.

#### 2.4 Contact during the submission period

All questions related to this call must be addressed to the EUIPO Information Centre at: <a href="mailto:customercare@euipo.europa.eu">customercare@euipo.europa.eu</a> or by calling: <a href="mailto:+34.965139100">+34.965139100</a>, available from Monday to Friday, except on <a href="mailto:official holidays">official holidays</a>, from 08:30 to 18:30 (GMT+1).

Should you have any questions, please consult the SME Fund FAQs section first as the EUIPO will regularly use it to publish answers to any questions submitted, to ensure all applicants are treated equally.

#### 3 AWARD PROCEDURE

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

The evaluation process is based on the following key principles:

- equal treatment all applications 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 applications.

During the evaluation process, the SME Fund account will display the following statuses for each request submitted:

- In process: your grant application has been received by the EUIPO and is under examination.
- Clarification: missing information is required to complete the evaluation of the application. An email with the subject 'Request for additional information on your SME Fund application' has been sent to the email addresses provided in the application. The applicant must provide the missing information within 5 working days of the clarification email being sent. Failure to provide this information will result in the application being rejected.

#### 3.1 Admissibility requirements

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

- whether the application has been submitted electronically using the online application form (eForm);
- whether it has been submitted during the submission period (see Section 1.5 -Timetable);
- whether it is complete (an application in draft status is not admissible);
- whether, under the present call for proposals, the same voucher has already been granted to the same applicant (even if not used/expired), except for voucher 1 where one voucher can be granted for each type of IP Scan in those countries offering both services.

#### 3.2 Eligibility checks

- Eligibility of applicants: applicants that are not a small and medium-sized enterprise (SME) as defined in EU Recommendation 2003/361/EC established in one of the EU Member States or in Ukraine (in territories that are under the effective control of the Ukrainian authorities at the time the application is submitted), are not eligible.
- **Exclusion criteria**: applicants in certain situations will be excluded (e.g. applicants that are bankrupt or being wound up, applicants that have been found guilty of grave professional misconduct, etc.).

The exclusion situations are laid down in Article 138(1)(a) to (h) of the Financial Regulation (<sup>5</sup>) and are described in Annex 2 of the present guidelines. The EU's Early Detection and Exclusion System may be consulted by the EUIPO to check applicants' status.

• **Selection criteria**: applicants that are not deemed to have the capacity to implement and maintain the eligible activities described in section 1.3. for the duration of the grant, will not be considered as eligible applicants.

The above criteria (eligibility, exclusion and selection criteria) 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:

- they are fully eligible and have the capacity in accordance with the criteria specified in the call for proposals;
- they are not in one of the situations of exclusion specified 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 EUIPO 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 prove to be false.

If any further clarification is needed, applicants may be contacted during the evaluation process.

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

<sup>(5) &</sup>lt;u>Regulation (EU, Euratom)</u> 2024/2509 of the European Parliament and of the Council of 23 September 2024 on the financial rules applicable to the general budget of the Union (recast)

#### 3.3 Evaluation / Final selection process

Admissible and eligible applications 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 only fulfilled if applicants tick the appropriate box in the online application form (eForm) indicating they have not applied for, or received funding from EU schemes or EU-funded national schemes for the same action. 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. Applications will be funded in chronological order based on the application date and time (registration number) until the budget per type of voucher is exhausted.

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

The award decision related to the weekly cut-off of applications is then adopted. A list of all the applications selected and rejected for funding will be made, together with the respective maximum amounts of funding per action(s) and the beneficiaries of the grants.

#### 3.4 Notification of the outcome

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

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

Applicants whose applications are selected for funding will receive a grant decision, drawn up in euro and detailing the general conditions and level of funding. The decision should neither be signed nor returned to the EUIPO.

The grant decision will take effect on the date of its notification to the beneficiary.

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

This formal notification will be sent by email to the contact person(s) provided in the eForm. It is the responsibility of the applicant to provide valid email address(es) and to regurarly check its mailbox (including the spam folder)

Once the formal notification is issued, the SME Fund account will display the following statuses for each request submitted:

- Awarded: your grant application has been approved, and you have received a
   'Notification of Result' along with your 'Grant Decision'. The voucher(s), together
   with the maximum amount, the issuance date and the expiry date, will also be
   visible.
- Rejected: your grant application has been rejected because you did not provide further information within the specified time frame following a request for clarification. Where this happens, you can apply again provided you submit the required information or documents in the new application.

#### 3.5 Publicity and dissemination of results

Information on the awarded grants and on the beneficiaries may be disclosed to the public in accordance with Article 38 of the Financial Regulation (6) to publish information on the outcome of grant procedures.

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

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

# 4 PROCEDURE FOR IMPLEMENTING THE GRANT DECISION (VOUCHER)

The grant decision will take effect on the date of its notification to the beneficiary ('the starting date').

The voucher(s) (signed grant decision(s) in attachment) is notified electronically to the contact persons provided in the application form. In the <u>SME Fund account</u>, the granted voucher(s) is/are displayed with the maximum reimbursement amount, issuance date (starting date) and expiry date of the activation period.

Once a voucher is granted and notified, it is **not possible**:

- to change a voucher coverage to another type of voucher;
- to transfer a voucher from one company to another company, regardless of whether the owner is the same;
- to use the voucher balance from a previous voucher granted in a previous call in the present call;
- to use the voucher balance from a voucher to increase the balance from another type of voucher.

<sup>(6) &</sup>lt;u>Regulation (EU, Euratom)</u> 2024/2509 of the European Parliament and of the Council of 23 September 2024 on the financial rules applicable to the general budget of the Union (recast).

The grant decision is divided into two periods, one for **activating** and one for **implementing** the voucher(s) as follows:

#### 4.1 Activation period

#### Voucher 1

The activation period runs for **6 months** from the voucher's notification date.

The voucher(s) must be activated within this period. This is done when the report confirming that the services have been requested and implemented via the MS IPO and the corresponding request for reimbursement is submitted by the beneficiary using the electronic form available in the <u>SME Fund account</u>.

Activation of the voucher does not trigger the implementation period. The beneficiary will have 6 months to submit a successful request for reimbursement.

#### Vouchers 2, 3 & 4

The activation period runs for **1 month** from the date of notification of the voucher(s).

The voucher(s) must be activated within this period. This is done when at least one IP activity has been implemented and the corresponding request for reimbursement is submitted by the beneficiary using the electronic form available in the SME Fund account.

The activation period may be extended before it expires. To extend a voucher's expiry date, you must access your <u>SME Fund account</u>. In the voucher itself, an 'Extend expiry date' button will appear. This option will be available 2 weeks before the initial expiry date. This action can only be performed once.



Once extended, the activation period will run for another month. Please note that vouchers are extended individually. Extending one voucher does not automatically extend other vouchers awarded.

The overall activation period may, under no circumstance, exceed 2 months.

Activation of the voucher triggers the 'implementation period' (please see the following subsection). If the first reimbursement request uses up the entire amount of the voucher, there is no implementation period.

**For all vouchers**: if the voucher is not activated within the activation period, including, where relevant, within its extension period, it will be considered as having **expired**. Therefore, access to the eForm section dealing with requests for reimbursement will no longer be available.

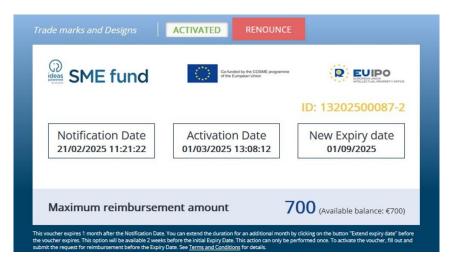
Once a voucher has expired (i.e. it has not been extended or activated) it cannot be used or requested again during the present call.

#### 4.2 Implementation period

- **Voucher 1 has no implementation period**. The beneficiary will have 6 months from the notification date to submit a successful request for reimbursement.
- For Vouchers 2, 3 & 4: the implementation period starts on the day of its activation for a period of up to 6 months.

During this period, beneficiaries may implement the IP activities covered by their voucher(s) and submit their requests for reimbursement until the expiry date or until the available balance is exhausted.

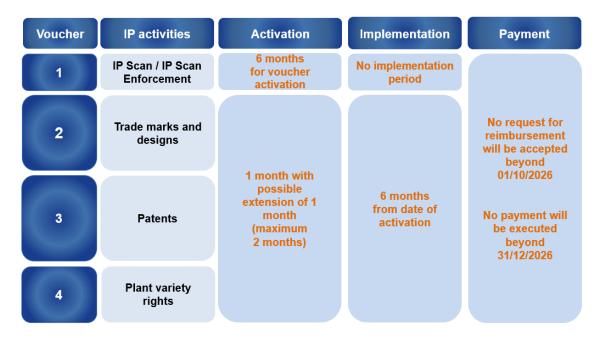
For voucher 1, only one service per type of IP Scan granted may be implemented. If the reimbursed amount is lower than the maximum amount awarded for the voucher, the beneficiaries will not be able to use the remaining balance. The remaining amount will be returned to the SME Fund budget to contribute to the funding of other applicants.



Beneficiaries may also terminate their voucher(s) once they have completed all the IP activities they had planned and have received all their related reimbursements, even if there is a remaining balance that they will not use.

By renouncing the voucher via the <u>SME Fund account</u>, beneficiaries will no longer be able to use the remaining balance or submit another application for the same voucher during the current year of the call. Beneficiaries accept that the remaining amount will be returned to the SME Fund budget to contribute to the funding of other SME applicants.

The grant decision is therefore divided into two periods of **activation** and **implementation** as follows:



The voucher will terminate if it is exhausted or:

- it has reached the end of the activation period and no request for payment has been submitted ('the expiry date');
- it has reached the end of the implementation period after activation ('the ending date');
- upon request from the beneficiary to terminate the voucher.

For activated voucher(s) only, the beneficiary has an additional **7 calendar days** from the final day of the implementation period ('the ending date') of the voucher to request reimbursement related to IP activities that were implemented and paid for by the beneficiary before the ending date. Once this period has elapsed, the link to access the electronic payment request form (see section 5) will be deactivated for this specific voucher.

#### Contact during the implementation period

Please consult the SME Fund website and the <u>SME Fund FAQs section</u> first where additional information and guidance on the implementation of voucher(s) can be found. Otherwise, any specific questions must be addressed to the EUIPO Information Centre at: <u>customercare@euipo.europa.eu</u>

#### 5 PROCEDURE FOR REQUESTING PAYMENT

#### 5.1 Submission of requests for payment

Beneficiaries must request the payment of eligible activities under their vouchers by using the link to the electronic reimbursement request form (eForm) available in the <a href="SME Fund">SME Fund</a> account.

<u>Important Notice:</u> requests for reimbursement must be submitted no later than 01/10/2026. No requests will be accepted after this deadline.

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. If there are multiple activities to be reimbursed, please separate them individually by adding additional line(s) within the same request.

Please make sure you apply for your IP service(s) and/or right(s) and pay all the necessary fees involved in the application process in full before submitting any request for reimbursement under the voucher. If a payment is still needed to complete the application process or service, your request for reimbursement will be suspended until that payment is issued and confirmed by the pertinent IP office(s). This suspension may be expanded for activities related to the World Intellectual Property Organization (WIPO) and/or the European Patent Office (EPO).

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 spent, no further request for reimbursement will be possible.

#### 5.2 Assessment of requests for payment

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

The assessment of the request includes the following elements per voucher and type of activity:

# **VOUCHER 1**

#### IP Scan / IP Scan Enforcement

Documents to be provided

Mandatory information in

order to be able to process

the request

IP Scan / IP Scan Enforcement report signed by the MS IPO and the author (Ideas Powered for business template)

- ✓ Date of request
- ✓ Date of completion
- √ Company name
- ✓ National IP Office
- ✓ Author (duly signed)
- ✓ Amount paid excluding VAT\*
- Quality check officer (duly signed)

\* VAT incurred costs are not eligible but must be detailed

#### **VOUCHER 2**

## National & Regional

Documents to be provided

Proof of filing/registration provided by the MS IPO containing the below information

Mandatory information in order to be able to process the request

- ✓ Application number
- ✓ Filing date
- ✓ IP rights holder
- ✓ Amount paid
- ✓ Breakdown of fees

#### EU

Mandatory information in order to be able to process the request

Filing number (01XXXXXXX)

For subsequent fees: do not forget to submit the proof of payment together with the official documents issued by the MS IPO

#### International

Documents to be provided

- Receipt of international registration
- > Payment receipt

Mandatory information in order to be able to process the request

- ✓ Application number
- ✓ Filing date
- ✓ IP rights holder
- ✓ Amount paid
- ✓ Breakdown of fees
- ✓ WIPO 10-digit or Payment n<sup>o</sup>

#### **VOUCHER 3**

#### National – Prior art search

Documents to be provided

Mandatory information in order

to be able to process the

request

Proof of payment / Invoice provided by the MS IPO or the Visegrad Patent Institute with the below information

- ✓ Invoice number
- / Date of the service's request
- ✓ SME that ordered the report
- ✓ Amount paid excluding VAT
- ✓ Proof of payment

#### **National**

Documents to be provided

Proof of payment / registration provided by the MS IPO containing the below information

Mandatory information in order to be able to process the request

- ✓ Application number
- ✓ Filing date
- ✓ IP rights holder
- ✓ Breakdown of fees
- ✓ Proof of payment

### European

Documents to be provided

- Request for grant of a European patent
- Acknowledgement of receipt (Provided by the EPO)
- Mandatory information in order to be able to process the request
- ✓ Application number
- ✓ Filing date
- ✓ IP rights holder
- ✓ Breakdown of fees
- ✓ Proof of payment

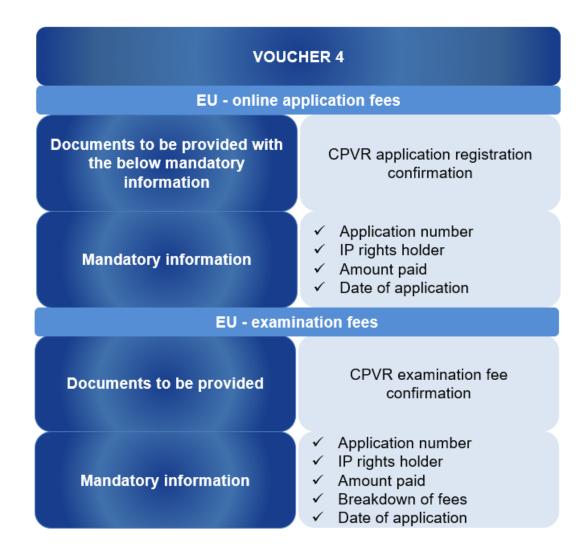
### **European – Lawyer fees**

Documents to be provided

- Legal representative invoice (drafting and filing)
- Proof of payment of legal representative fees

Mandatory information in order to be able to process the request

- ✓ Legal representative's name, address and country
- Legal fees paid detailing the activities carried out



Any conversion into euros of costs incurred in other currencies will take place automatically in the request for payment form and will be made at the monthly applicable accounting rate published by the Commission (see the link below) of the month when the costs were incurred.

#### http://ec.europa.eu/budget/contracts\_grants/info\_contracts/inforeuro/inforeuro\_en.cfm

If the request is incomplete or requires further clarification, the EUIPO will contact the beneficiary by electronic means and specify the data/form that should be submitted with the additional information. The beneficiary must reply by the fixed deadline indicated, otherwise the EUIPO reserves the right to reject the request for reimbursement. Note that if the request is rejected, the beneficiary still has the right to submit another request, provided the voucher has not expired.

Please check your mailbox (including the spam folder) regularly, as all clarification will be sent electronically.

#### 5.3 Payment validation

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

- services not corresponding to the eligible activities;
- services not in the name of the beneficiary;
- services delivered outside the period of the voucher's validity;
- a lack of supporting documents relating to the expenses claimed;
- no reply to a request for clarification.

To determine eligibility of certain activities, the World Intellectual Property Organization (WIPO) and the European Patent Office (EPO) are consulted regarding declared costs, which may result in assessment delays.

The EUIPO 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 for reimbursement, this amount will be checked against the amount already accepted for the previous activities (except for voucher 1).

Beneficiaries will be notified of the results of the assessment process electronically. The ground(s) for a reduced reimbursement amount or for a complete rejection of the request will be indicated.

#### 5.4 Payment execution period

The amount due will be paid by the EUIPO to the beneficiary's bank account (indicated in the application or amended in the request for payment) within 30 calendar days of receipt of a valid request for payment.

The payment period will begin upon receipt of the request for payment.

This payment period will be suspended if the declared fee(s) have not been fully paid to the pertinent IP office(s) validating the application process or the service provided. Suspension takes effect on the date the request was submitted. The remaining payment period resumes from the date on which the payment has been issued and validated.

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

The payment period will end when the payment has been made by the EUIPO into the beneficiary's bank account. Should the EUIPO need to take any extra action to process the payment again, due to external factors such as the payment being rejected/returned by the destination bank, these additional steps will not fall under the payment period.

#### Important Notice: no payments will be executed beyond 31/12/2026.

Therefore, please ensure that your request is in order upon submission, that the declared fees are fully paid and/or that any requests for additional information are fully clarified **no later than 01/12/2026**.

#### After this date, any outstanding requests will be automatically rejected.

During the procedure for requesting payment, the <u>SME Fund account</u> will show the following statuses per submitted reimbursement request:

- **In process:** your payment request has been received by the EUIPO and is under examination.
- **Invalid:** your payment request is a duplicate of another request submitted.
- Clarification: missing information has been requested and needs to be provided.
- **Validated, bank transfer in process:** your payment request has been examined and validated, the payment order has been initiated.
- **Rejected:** your payment request has been examined and rejected. The letter explaining the grounds for rejection has been notified.
- Paid: the payment has been executed and the confirmation letter has been notified.

Before contacting the EUIPO to know the status of your payment request, please check the status in the SME Fund account and wait for the payment execution period (30 calendar days) to elapse.

#### 5.5 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 have already received EU funding for the same activities for which a request for payment has been made under a voucher, undue amounts paid will be recovered.

As *ex post* verification, the EUIPO reserves the right to request further documentation to prove the veracity of a declaration from an SME identifying itself as a 'small or medium-sized enterprise (eligibility criteria defined under section 3.2). In the event of a false declaration 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 137 to 148 of the Financial Regulation  $(^{7})$ ). In addition, the European Anti-Fraud Office (OLAF) may be informed.

#### 6 DATA PROTECTION

Participation in the present 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 138 and 143 of the Financial Regulation (8).

Beneficiaries authorise the EUIPO to share their personal data with the European Commission, the national intellectual property offices (NIPOs), the Visegrad Patent Institute and, if needed, the World Intellectual Property Organization (WIPO), the European Patent Office (EPO) and the Community Plant Variety Office (CPVO). The transmitted data is limited to that strictly necessary for the management and execution of the SME Fund.

For more information, please refer to the SME Fund Privacy Statement.

#### Annexes

Annex 1 — List of maximum amounts per EU country for IP Scan (pre-diagnostic services) and for IP Scan enforcement services

Annex 2 — Exclusion situations

Annex 3 — Declaration on honour for external representatives

Annex 4 — Model of grant decision (voucher)

<sup>(7) &</sup>lt;u>Regulation (EU, Euratom)</u> 2024/2509 of the European Parliament and of the Council of 23 September 2024 on the financial rules applicable to the general budget of the Union (recast)

<sup>(8) &</sup>lt;u>Regulation (EU, Euratom)</u> 2024/2509 of the European Parliament and of the Council of 23 September 2024 on the financial rules applicable to the general budget of the Union (recast)