



# Export Market Development Grants (EMDG)

Reimbursement scheme - final grant year 2020-21

Guide to Schedule 8 - Export Expenses – Registration of eligible Intellectual Property (IP)

June 2021

## GUIDE TO WHAT YOU CAN CLAIM

For this expense category you can claim for:

- Patents
- Designs
- Trademarks
- Plant breeders' rights (PBRs)
- Circuit layout rights
- Confidentiality / trade secrets; or
- Copyright.

**Expenses under this category are capped at A\$50,000.**

However, to make sure you receive maximum benefit from this category, you should list all expenses.

You may claim the payments made to third parties, such as patent and trademark attorneys that are attributable to the grant, registration or extension of the term or period of the registration of the intellectual property for countries other than Australia, Democratic People's Republic of Korea (North Korea) and

New Zealand. Eligible expenses will be those that are caused by or due to the seeking of registration or the extension of the term of those rights

Under the law of a country other than Australia, North Korea and New Zealand.

The intellectual property must meet the requirements of Section 26 of the EMDG Act 1997. For rights relating to trademarks, the trademark must have first been used in Australia, or increased in significance or value because of its use in Australia. For rights relating to any other thing, that thing must have resulted to a substantial extent from research or work done in Australia.

The grant, registration or extension is required to have been made for an approved promotional purpose under Sections 37 and 38 of the EMDG Act 1997 (it must be for increasing export sales of your product).

## You cannot claim the cost of:

- Registering IP rights in Australia, North Korea and New Zealand
- Registering business, company or domain names (unless they meet the requirements of the Trade Marks Act 1995)
- defending infringements against the registration of your intellectual property
- in-house expenses, such as salary of your employees
- registering IP rights where the IP is not eligible
- intellectual property under Section 26 of the EMDG Act 1997
- Any costs for intellectual property that has been licensed to an Australian resident.

## Guide to what you need to provide on this schedule

### Describe the expense

Describe the type of IP (for example: 'patent registration') and a brief description of the registered product (for example: 'new medical treatment')

for ...'). Describe the specific IP that is insured (for example: patent for XYZ medical process) and the type of insurance coverage (for example: premiums for contravention of patent XYZ).

### **Product patent / trademark registration number**

Identify the product you are claiming the expenses for and provide the relevant patent, trademark, copyright or design registration or reference number for the product.

### **Name of supplier**

Provide the name and company of the supplier of the expenses you are claiming for.

### **Country**

State the country/countries that IP registration costs relate to.

If entering multiple countries for a row in the template, you need to type the Country name separated by a semi-colon (;) and space.

Exclude Australia, North Korea and New Zealand.

### **Supporting evidence**

Detail the evidence you have to substantiate the expense claimed, such as account, or billing details from supplier.

### **Payment Date**

The date of payment for expenses must be during the grant year (or for first-time applicants, the grant year and the previous year).

Date of payment: give the date on which the expenses were acquitted. For payment by cheque, payment order or credit card, give the date your bank or financial institution or credit card was debited.

### **Payment Method**

Payment method: state how the expense was acquitted by the applicant e.g. cheque, bank transfer etc.

Please note: the descriptions below are the only ones you can use on the online application form:

- BPay
- Cash
- Cheque
- Contra
- Credit card
- Debit Card
- Direct Debit
- EFT (electronic funds transfer)
- Journal
- Offset
- PayPal
- T/T (telegraphic transfer)

### **Claimed amount (whole Australian dollars)**

State the amount you want to claim.