

GUIDE TO SCHEDULE 8

EXPORT EXPENSES – REGISTRATION AND/OR INSURANCE OF ELIGIBLE INTELLECTUAL PROPERTY (IP)

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GUIDE TO WHAT YOU CAN CLAIM

For this expenses 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 received 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, and Iran up to and including 17 January 2016. 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, and Iran up to and including 17 January 2016.

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 may also claim expenses by way of insurance premiums paid for protection against possible infringement, in countries outside Australia, of eligible intellectual property.

Premiums are eligible to the extent they relate to the protection of intellectual property obtained under the laws of overseas countries except North Korea and New Zealand, and except Iran up to and including 17 January 2016.



Australian Government
Austrade



Insurance costs must have been incurred for an approved promotional purpose under Sections 37 and 38 of the EMDG Act 1997 (the costs must be for increasing export sales of your product).

You cannot claim expenses of

- registering IP rights in Australia, North Korea or New Zealand, or in Iran up to and including 17 January 2016
- 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 portion of insurance premiums paid for protection under Australian law
- any portion of costs that are for other insurances, such as product liability
- Any costs for intellectual property that has been licensed to an Australian resident.

GUIDE TO WHAT YOU NEED TO PROVIDE TO 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 where the IP is registered and/or for which insurance protection applies. Exclude Australia, North Korea and New Zealand, and exclude Iran up to and including 17 January 2016.

Supporting evidence

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

Payment date / method

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: state how the expense was acquitted by the applicant (for example: cheque or bank transfer).

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

- Amex
- BPay
- Cash
- Cheque
- Contra
- Diners Club
- Direct Debit
- EFT (electronic funds transfer)
- Journal
- MasterCard
- Offset
- PayPal
- T/T (telegraphic transfer)
- Visa
- Other.

Claimed amount (whole Australian dollars)

State the amount you want to claim.