



Export Market Development Grants (EMDG)

Reimbursement scheme - final grant year 2020-21

Guide to Schedule 9 - Export Expenses – Insurance of eligible Intellectual Property (IP)

June 2021

GUIDE TO WHAT YOU CAN CLAIM

For this expense category you can claim the cost in obtaining insurance against costs likely to be incurred in respect of the protection of rights in relation to eligible intellectual property, if the rights have been obtained:

- (a) under the law of a foreign country; and
- (b) for an approved promotional purpose:

The eligible intellectual property can relate to any of the following:

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

You may claim the premium paid for protection against possible infringement of eligible intellectual property for countries other than Australia, Democratic People's Republic of Korea (North Korea) and New

Zealand. The insurance costs must have been incurred for an approved promotional purpose under sections 37 and or 38 of the EMDG Act, i.e.

The costs must be for promoting increased export sales of the applicant's product.

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

You cannot claim the cost of:

- Any portion of insurance premiums paid for protection under Australian law
- Any portion of costs that are for other insurances e.g. product liability
- Any costs associated with defending patent and other intellectual property infringement, including any preliminary litigation fees

- 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 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.