

## **INNOVATION FUND OF MONTENEGRO**

**publishes**

### **PUBLIC CALL FOR THE AWARD OF VOUCHERS FOR THE PROTECTION OF INVENTION**

#### **I Subject of the public call**

Stimulation of legal or natural persons from Montenegro who protected their invention with a patent in the country or abroad or initiated the process of protection of the invention at the European Patent Office (EPO) or the International Patent Office (World Intellectual Property Organization - WIPO) in 2024.

The subject of an invention protected by a patent can be a product or procedure in accordance with Article 5 of the Law on Patents ("Official Gazette of Montenegro", no. 42/15, 2/17 and 146/21).

#### **II Objectives of the Public Call**

Encouraging the competitiveness of legal entities in Montenegro through the protection of intellectual property in the country or abroad, as well as natural persons who carry out innovative activities (inventors or innovators) to protect their invention with a patent in order to access further testing of the invention, such as testing in laboratory conditions, making prototypes and further stages of invention development that lead to commercialization and market placement on the domestic or international market.

#### **III ELIGIBLE APPLICANTS<sup>1</sup>**

Legal entities registered in Montenegro and individuals who are Montenegrin citizens can apply to the Public Call if they have protected their invention with a patent in the country during 2024 or have filed an EPO/WIPO application and/or received a positive response that the application is accepted for examination during 2024.

Applicants can also be legal entities registered in the Central Registry of Business Entities of Montenegro (CRPS) with headquarters in Montenegro and individuals who are Montenegrin citizens holding a license for the development and commercialization of the patent.

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<sup>1</sup>The terms used in this document for natural persons in the masculine form apply equally to the feminine form

The applicant may be eligible for funds from this Public call for multiple applications per year, regardless of the category they are applying for

The applicant's eligibility will be checked before signing the Financing Agreement, based on the applicant's statement and accompanying documentation. However, for the purposes of good administrative practice, the Fund may screen and then exclude applicants at any stage of the evaluation process if it is immediately apparent that they do not meet the eligibility criteria.

#### **IV VOUCHER FUNDING AMOUNT FOR PATENT PROTECTION AND INVENTION DEVELOPMENT**

The total amount of allocated funds for this Public Call amounts to **20.000 euros**. The Public Call for co-financing this purpose contains two categories:

##### **1. Voucher for patent protection of the invention in the country**

**Legal and natural persons who protected their invention with a patent in the country during 2024 can apply for support.**

##### **Eligible expenses and amount of support:**

- a) Costs of national patent protection of an invention up to 200 euros;
- b) Invention development costs up to 2.000 euros.

##### **2. Voucher for patent protection of invention abroad (EPO/WIPO)**

Legal and natural persons who have submitted an application to the European Patent Office (EPO) or the International Patent Office WIPO (World Intellectual Property Organization) and/or received a positive response that the application is acceptable for examination during 2024 can apply for the competition.

##### **Eligible expenses and amount of support:**

**In case of receiving a positive response from the EPO/WIPO that the application is acceptable for examination**

- a) Patent application costs at the EPO up to 5.000 euros  
(<https://www.epo.org/service-support/faq/own-file.html#faq-199>);
- b) Patent application costs at WIPO up to 3.000 euros  
(<https://www.wipo.int/export/sites/www/pct/en/fees.pdf>).

**In case of receiving a positive response from the EPO/WIPO on the patent examination of the application**

- c) The costs of developing the invention up to 5.000 euros.

**Support type:** According to the type, the support granted for this program line in the case of entities performing business/economic activity, regardless of their legal status and the way they are financed, will be carried out under the de minimis aid regime (small value state aid ), and these users will be obliged to act in accordance with the Rulebook on the list of rules on of state aid ("Official Gazette of Montenegro", no. 35/2014, 2/2015, 38/2015, 20/2016, 33/2020, 38 /2020, 53/2020, 98/2020, 130/2020, 44/2021, 107/2021 and 131/2021, 15/2022, 52/2022, 34/2023, 57/2023, 115/2023 and 26/2024 .) and are obliged to act in accordance with the provisions of the legal acts governing this area. The total amount of de minimis aid granted to one beneficiary may not cumulatively exceed 300.000 euros during any period of three fiscal years. A completed de minimis aid declaration form must be submitted to the Fund in case the project is positively assessed.

Grant may be awarded to an individual beneficiary only once for one type of activity, that is, the same costs may not be financed twice from the state budget, Union programs, international sources and other state aid providers under any circumstances.

Applicants are obliged to register in the Register of Innovative Activities no later than six (6) months after signing the Agreement.

## **V ELIGIBLE ACTIVITIES**

Eligible activities for the development of the invention:

- Production of a laboratory prototype;
- Development of a demonstration prototype;
- Purchase of equipment in order to improve the technical performance of the invention in order to achieve a higher level of technological development (TRL);
- Technology validation - different types of tests and trials (in the laboratory, in a pilot plant, in a real environment).

## **VI INELIGIBLE ACTIVITIES**

- Creation of business plans and economic assessments;
- Sales activities;
- Travels, presentations at fairs and conferences;
- Market research and analysis activities;
- Legal services, non-consulting services that are already available on the market (ISO standardization, technical certificates...);
- Translation costs (patent applications, documentation, etc.);

## **VII ELIGIBLE EXPENSES**

*Eligible costs for the development of the invention:*

- Costs of purchasing or leasing equipment that is directly related to research and development;
- Costs of procurement of materials and biological resources that are directly used for research and development;
- Costs of manufacturing a laboratory prototype or making a demonstration prototype;
- Costs of procurement of expert opinions, advisory services, as well as the transfer of special knowledge and skills (know-how), obtained for the immediate needs of research and development.

## **VIII INELIGIBLE COSTS**

*Ineligible costs for the development of the invention:*

- Sales costs, such as the costs of advertising and promoting a new product or service, which arise as a result of investments in research and development;
- Costs of the patent protection process related to attorney services, consultancy services, and translation services;
- Administrative and other general overhead costs that cannot be directly linked to investments in research and development;
- Employee training costs;
- Costs of ongoing maintenance of fixed assets used for research and development;
- All other costs not listed in the category of eligible costs.

## **IX PERIOD OF REALIZATION OF VOUCHERS FOR PATENT PROTECTION AND INVENTION DEVELOPMENT**

Planned activities on the further development of the invention for the granted voucher for patent protection and development of the invention must be realized by the Beneficiary within a period of up to (9) months from the date of signing the contract between the Fund and the Beneficiary of the voucher.

## **X CONTENT OF THE APPLICATION**

### **1.Documentation required for the application for a voucher for patent protection of an invention in the country:**

1. Application form for the voucher for patent protection and development of the invention in the country;
2. Signed and stamped (for legal entities) Statement of the Applicant;

3. Biography of the applicant (for individuals);
4. Proof of patent authorship (e.g., copy of the Patent Certificate);
5. Proof of Montenegrin citizenship (copy of ID card or passport for individuals);
6. Registration/establishment decision (for legal entities);
7. Proof of the cost of the patent protection process (copies of payment receipts);
8. Additional documentation that the Applicant deems useful for the assessment of the application (photos of the patent/prototype/innovative solution, brief biography of the inventor, links to presentations related to the patent/technology, promotional materials, catalogs, proof of filed request for substantive examination of the patent, etc.).

## **2. Documentation required for the application for a voucher for patent protection of an invention abroad (EPO/WIPO):**

1. Application form for patent protection of the invention abroad;
  - A) *Note: Planned activities for the further development of the invention with an explanation of the requested funds are to be filled out only if the Applicant has received a positive response from EPO/WIPO regarding the patent examination application.*
2. Signed and stamped (for legal entities) Statement of the Applicant;
3. Biography of the applicant (for individuals);
4. Proof of patent authorship (e.g., copy of the Patent Certificate);
5. Proof of Montenegrin citizenship (copy of ID card or passport for individuals);
6. Registration/establishment decision (for legal entities);
7. Copy of the Certificate of Priority Right for international/European protection of the invention with EPO/WIPO (if the Applicant possesses it);
8. Proof of the cost of the patent application process with EPO/WIPO (copies of payment receipts);
9. Proof of acceptance of the application by EPO/WIPO for patent examination with EPO/WIPO;
10. Proof if the patent has already been commercialized (market analysis);
11. Additional documentation that the inventor (right holder) deems useful for the assessment of the application (photos of the patent/prototype/innovative solution, brief biography of the inventor, links to presentations related to the patent/technology, promotive materials, catalogs, proof of filed request for substantive examination of the patent, etc.).

***In the event that the Applicant applies for funding for the costs of the patent application with EPO/WIPO and for further development, it is necessary to provide, in addition to the previously mentioned documentation:***

- Proof of receiving a positive response from EPO/WIPO regarding the patent examination application;
- Planned activities for the further development of the invention and potential commercialization for a period of nine (9) months, with an explanation of the required funds (complete the relevant section in the Application form);

**Notes:**

The applicant may submit one application for funding the costs of the patent application with EPO/WIPO and another application for development costs, provided that a positive response is received from EPO/WIPO regarding the patent examination application during 2024.

If the applicant is an individual applying on behalf of a group of inventors, they must provide the Fund with written consent from the other group members authorizing the submission of the application to the Fund.

The application form must be submitted in the same format as provided on the Fund's website. Applicants are required to follow the specific instructions outlined in this form.

## **XI VOUCHER REVIEW AND APPROVAL PROCESS**

The evaluation process will be carried out by an internal Committee (hereinafter referred to as the Committee) appointed by the Fund in accordance with Rulebook on the evaluation process. The evaluation is carried out in two steps:

1. Administrative check;
2. Evaluation of applications.

### ***Administrative check***

After submitting the Application for the award of vouchers, the Fund will carry out an administrative check of each application, which includes checking the fulfillment of the formal conditions for participation prescribed by the Public Call for this program, as well as checking the completeness of the submitted application documentation, eligibility and completeness of the submitted Application. Only fully completed, signed and electronically submitted Applications will be considered for evaluation. During this phase, the Fund will allow any Applicant whose Application is initially determined to have administrative/technical deficiencies a period of 72 hours to correct these deficiencies. Applicants whose applications did not meet the administrative aspect of the check will be notified of the outcome and will receive a Decision on rejection, after the Fund completes the administrative review of all submitted Applications.

### ***Application evaluation***

For applications that meet the required administrative conditions, the Committee evaluates them according to the following criteria:

1. The applicant's expertise, skills and ability to implement the proposed activities on the development of the invention;
2. Methodology and feasibility of the proposed project for the development of the invention;
3. Utilization of funds and adequacy of budget planned for development

The Committee assigns points (valued from 1 to 5) and provides comments for each criterion. The project is positively evaluated if it receives a minimum of 10 points.

**Final funding decision is made** by the Fund, at the proposal of the Committee, based on the available budget for this Public Call.

The Fund informs each Applicant about the outcome, within fifteen (15) working days from the date of submission of the Application. The list of approved financing vouchers will be published on the Fund's website.

Vouchers will be approved according to the chronological order in which applications are received, starting from the date of publication of the Public Call, and ending with the moment of spending the allocated funds within this Public Call.

An applicant who has received funds under this point of the public call for the development of an invention or for an international/European patent application with EPO/WIPO is required to submit a Report to the Fund based on the implementation, along with supporting evidence of the expenditure of funds, in accordance with the Voucher Award Agreement.

## **XII APPLICATION PROCESS**

The voucher application is submitted through the Fund's portal ([www.programifonda.me](http://www.programifonda.me)) in electronic form. Before starting the voucher application process, the Applicant must register on the Fund's portal. The registration request is automatically approved, after which the Applicant receives the necessary access credentials (username and password) to log in to the Fund's portal.

After completing the registration, the Applicant can submit the Application via the Fund's portal. The application must contain a set of documents listed in the chapter *CONTENT OF THE APPLICATION* in this Call.

After submitting the complete necessary documentation, the Applicant is obliged to officially submit the Application by clicking the "Submit Request" button. This action informs the Fund that the Application has been finalized and received. Additionally, Applicants do not have the right to change or modify documents after clicking the "Submit Request" button.

By submitting the Application, the Applicant agrees to all relevant conditions required by the Fund for the Application to be considered.

Detailed instructions for submitting an application are available on the Fund's portal.

### **XIII Deadline for applications**

The public call for the award of vouchers is conducted as an open procedure, i.e. until the allocated funds are exhausted. Applications are processed and approved in the order they are received on the Fund's portal, and vouchers are awarded in the same order, depending on the outcome of the evaluation of the applications.

Application for vouchers can be submitted **from May 29, 2024**.

Incomplete applications, as well as applications that were not submitted electronically via the Innovation Fund portal, will not be considered.

Contact e-mail: [patenti@fondzainovacije.me](mailto:patenti@fondzainovacije.me)

Contact phone: +382 20 653 891