



**BIRAC’S SUPPORT UNDER
“PATENTING & TECHNOLOGY TRANSFER FOR
HARNESSING INNOVATIONS (PATH)”
&
“START-UP INTELLECTUAL PROPERTY
PROTECTION (SIPP)”
FOR BIRAC INNOVATORS AND INDIAN BIOTECH
START-UPS**



PROGRAM OVERVIEW

One of the primary mandates of BIRAC is “to *trigger, transform and tend biotech start-ups to convert innovative research of public and private sector into viable and competitive products and enterprises*”. To accomplish this, BIRAC has launched several schemes to promote the innovative research in biotech sector. Securing technological innovation through different regimes of Intellectual Property (IP) is an important aspect in the growth strategy for the knowledge economy.

BIRAC IP & Technology Management Cell is making considerable efforts to safeguard the Intellectual Property and to build a pipeline of Translatable technologies of BIRAC funded projects for further commercialization. To promote the innovation ecosystem in India and also to enable the commercialization of the technology, BIRAC offers a wide range of IP and Technology Management services to Start ups, SME’s and Academia under the program **BIRAC-PATH (Patenting & Technology Transfer for Harnessing Innovations)**.

1. Patent Searches

- a. Patentability Search
- b. Freedom-To-Operate Search
- c. Validity/Invalidity search
- d. State of the Art search/Prior Art Search

2. Patent Drafting, Filing and Prosecution

3. Patent/Technology Landscaping

4. Technology Management

- Technology Evaluation
- Technology Marketing
- Technology Valuation
- License Negotiation

A. SUPPORT UNDER BIRAC-PATH (PATENTING & TECHNOLOGY TRANSFER FOR HARNESSING INNOVATIONS)

1. SCOPE OF SUPPORT FOR BIRAC-PATH

The scope of funding under this program will be for Patent Searches, Patent drafting, filing in India and certain convention countries and their limited maintenance. This program is intended to provide assistance to BIRAC beneficiaries. The grantees, however, will continue to own the patent and will determine the ideal path to commercial exploitation of such inventions. To take this forward, BIRAC has empanelled technically competent and experienced IP & Technology Transfer (TT) firms who could provide assistance for patent drafting, filing and Commercialization of such technologies.

2. WHO CAN APPLY FOR PATH?



The call is open for all grantees funded by BIRAC under its scheme.

- a. Biotechnology Ignition Grant (BIG)
- b. Contract Research Service (CRS)
- c. Small Business Innovation Research Initiative (SBIRI)
- d. Biotechnology Industry Partnership Programme (BIPP)
- e. Industry Innovation Program on Medical Electronics (IIPME)
- f. Social Innovation Programme for Products: Affordable & Relevant to Societal Health (SPARSH)
- g. Any other BIRAC beneficiaries

3. ELIGIBILITY CRITERIA FOR PATH

- Usually, post provisional patent application filed under BIRAC supported project/s is eligible to apply under this scheme. BIRAC also extends support for filing of provisional patent application for BIRAC grantees
- BIRAC grantees who have filed provisional patent application during the course of project, these grantees may request for Patent drafting and filing support with-in-the first 9 (Nine) months from the date of filing the provisional patent application and not thereafter.
- BIRAC Funded Start-ups, Companies, SMEs and Academia
- No Background IP will be supported

B. BIRAC AS A FACILITATOR FOR START-UP INTELLECTUAL PROPERTY PROTECTION (SIPP)

On January 16, 2016, Government of India announced the ***Start-Up India Action Plan wherein the Scheme for Start-up Intellectual Property Protection (SIPP)*** was also mentioned to facilitate the filing of Patents, Trademarks and Designs by innovative Start-ups through panel of facilitators appointed by DIPP. Under the Scheme for Start-up Intellectual Property Protection (SIPP), BIRAC has been appointed as a facilitator to facilitate the Biotech Start-Ups by providing the following services as assigned by DIPP.

1. SCOPE OF SUPPORT BY BIRAC as Facilitator under SIPP*

- Providing general advisory on different IPRs to Start-Ups on pro bona basis
- Providing information on protecting and promoting IPRs to Start-Ups in other countries on pro bono basis
- Providing assistance in filing and disposal of the IP applications related to patents under relevant Acts at the national IP offices under the CGPDTM
- Drafting complete/ provisional specifications for inventions of Start-Ups
- Preparing and filing responses to examination reports and other queries, notices or letters by the IP office
- Appearing on behalf of start-up at hearings-as may be scheduled
- Contesting opposition, if any, by other parties, and



- Ensuring final disposal of the IPR application

2. WHO CAN APPLY UNDER SIPP?

Any Start-Ups (as defined under Start-up Action Plan) working in any area of Biotechnology and/or Life Sciences such as Bio-pharma, Vaccine, Drug Development, Agriculture, Environmental Biotechnology, Device and Diagnostics and Industrial Biotechnology, may select BIRAC as Facilitator under SIPP scheme to protect their IP.

Start-ups as defined under Start-up Action Plan: Start-Up specific provisions in accordance with the “Start-Up Action Plan” by DIPP are stated below: “An entity shall be considered as a 'Start-up'-

- a) if it is incorporated as a private limited company (as defined in the Companies Act, 2013) or registered as a partnership firm (registered under section 59 of the Partnership Act, 1932) or a limited liability partnership (under the Limited Liability Partnership Act, 2008) in India; and
- b) up to seven years from the date of its incorporation/ registration; however, in the case of Startups in the biotechnology sector, the period shall be up to ten years from the date of its incorporation/registration; and
- c) if its turnover for any of the financial years since incorporation/ registration has not exceeded Rupees 25 crores; and
- d) if it is working towards innovation, development or improvement of products or processes or services, or if it is a scalable business model with a high potential of employment generation or Wealth creation.

HOW TO APPLY?

- Duly filled IP & Technology Management Services application form highlighting the nature of services required can be submitted at biracip.dbt@nic.in.
- For detailed **BIRAC-PATH & SIPP** guidelines and Application Form, please view the links.

****BIRAC as facilitator will facilitate the Start-Ups till the Patentability Assessment after that BIRAC's empanelled IP Law Firm will be engaged for further activities***