GOVERNMENT OF MALTA
MINISTRY FOR JUSTICE,
RESEARCH AND INNOVATION

XJENZA
MALTA

FUSION R&I Intellectual Property Registration Voucher

Rules for **Non-State Aid** regime | Option **B**

VOUCHER
PROGRAMME
INTELLECTUAL
PROPERTY REGISTRATION

Version 3

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1 Introduction

FUSION is a national funding programme that drives and supports local Research and Innovation (R&I), as well as providing the necessary support for researchers and technologists to turn their innovative ideas into a market-ready reality. FUSION is supported through Malta Government funds and is managed by Xjenza Malta as the Managing Authority.

The main objectives of FUSION are:

- To raise the level and profile of locally funded research
- To ingrain R&I at the heart of the Maltese economy
- To spur knowledge-driven and value-added growth
- To sustain improvements in the quality of life

These can be achieved since research results and innovation have the potential of translating themselves into commercial activities which generate a multiplier effect on the economy, by increasing Malta's competitiveness through the creation of additional high-value and knowledge intensive employment opportunities in Malta's priority industries.

FUSION is composed of various programmes. These programmes are designed in a way to offer the necessary mentoring and financial support for researchers and technologists to develop their ideas for the betterment of society.

2 Vouchers Programme

The Xjenza Malta Voucher Programme (the "Programme") is designed to help businesses and researchers to valorise their innovative technologies. The vouchers offer financial support for projects funded by Xjenza Malta that have reached an applied stage of development (Technology Readiness Level 5 or higher) and will be supported by service providers approved by the Managing Authority.

Three types of vouchers will be available:

1. Intellectual Property Registration **€20,000** (IPR) **Aim:** To provide inventors with the opportunity to protect their intellectual property rights, safeguarding their invention from potential infringement.

2. Business Plan **€12,000** (BP) **Aim:** To create a comprehensive business plan that informs investors of the business's operations, financial projections, and return on investment, while outlining goals, risk management strategies, and marketing plans for success.

3. Market Discovery **€4,000** (MD) **Aim:** To assist beneficiaries in finding opportunities to showcase their innovations, while preparing them to engage with potential investors. and ideal investment avenues, organizing meetings, and tailoring presentations to effectively engage investor interest by highlighting competitive advantages, financial performance, and exit strategies.

Each voucher will be awarded to up to 10 projects on a *first come first served basis*, though this may be adjusted based on demand. Applicants can apply once their research grant agreement is finalized.

3 Intellectual Property Registration Voucher

This Voucher will cater for the registration of Intellectual Property.

The Intellectual Property Registration (IPR) voucher process provides inventors with essential protection against potential infringement, offering multiple levels of security for their creations. Innovators can apply for national protection through the Malta Industrial Property Registration system. At a European level, the EU Intellectual Property Office (EUIPO) offers broader protection across EU Member States, while

international registration through the World Intellectual Property Organization (WIPO) is also available for globally safeguarding Maltese IP rights.

There are five main types of intellectual property rights:

1. **Trademarks** – Unique graphics that distinguish products or services.
2. **Copyrights** – Automatically granted protection for original works upon creation.
3. **Industrial Designs** – Protects the aesthetic design aspects of an object, requiring novelty.
4. **Trade Secrets** – Protects commercially valuable, confidential information under strict conditions.
5. **Patents** – Exclusive rights for innovative products or processes, granting 20 years of protection from the application date.

IP registration typically takes one to three years from the initial application. During this time, the service provider will update the IP Check report, recommending specific IP rights to pursue based on an initial 4-week review period, and collaborating on timelines for each stage. The service provider will also support the beneficiary through each phase, from updating the IP Check report to patent publication, with reimbursement issued by the Xjenza Malta upon submission of payment receipts.

Through this process, inventors receive tailored guidance and protection to maintain their IP's value and competitive advantage in the market.

3.1 Voucher Scope and Focus

The Voucher provides financial support for novel technologies which have reached the prototype stage (TRL 5+) with a Xjenza Malta research approved grant. Inventors are provided with the opportunity to protect their intellectual property rights, safeguarding their invention from potential infringement.

3.2 Contacts

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4 Definitions

Applicant	The term refers to any representative of a local entity that is eligible for participation for a Voucher in terms of these Rules for Participation and who applies for funding.
Beneficiary	The term beneficiary refers to the entity that having submitted an application form for funding under this

	Programme in accordance with these Rules for Participation, is selected for funding.
Consortium	Refers to a group of two or more Partners. At least one of these Partners must fall within the definition of Maltese Legal Entity as defined in this Section. One of the partners would be the Lead Partner. Foreign Partners can appear within the consortium, over and above the minimum requirements set out in this definition, however foreign partners are not eligible for funding.
Eligible costs	The term refers to those costs incurred directly by the national beneficiaries during the duration of the project and used primarily for the purpose of achieving the objectives of the project. All eligible expenses must be incurred between the Start Date and the End Date of the Voucher and capped at the approved requested funding value.
Eligible undertakings	Undertakings which are carrying or have carried out research and innovation activities. In order to be eligible, applicants must additionally satisfy the following criteria: i. a partnership constituted under the Companies Act, being a partnership *en nom collectif, en commandite* or a limited liability company; or ii. duly registered as a co-operative society under the Co-Operative Societies Act, or iii. professional body; or iv. NGOs; or v. Non-profit making entities (including Foundations). 'Professional Body' may be an organisation, an association, a chamber, society, institute, or a group of professional persons not being enrolled or registered in terms of The Voluntary Organisations Act (CAP 492 of the Laws of Malta) or not being otherwise recognised in terms of Law, and which is generally recognised and acknowledged by the professional persons it seeks to represent as their representative body. For the purposes of this Definition, a professional person is one who has

undergone a period of study at a university or a recognised institution of higher learning and has obtained the formal qualification entitling the person to practise the respective profession; and who provides a specialised service to the public, based primarily on a fiduciary relationship between herself/himself and the party to whom s/he provides such service on his own personal credibility and responsibility.

'NGO' means any Voluntary or Non-Governmental Organisation set up in accordance with The Voluntary Organisations Act (CAP 492 of the Laws of Malta). Provided that a duly registered NGO, or a duly registered Professional Body shall also be considered to be NGOs for the purposes of these Rules for Participation.

Non-profit making' is an entity where:

i. The statute of which includes an express exclusion making profits as a purpose; and
ii. An entity the statute of which expressly excludes in its purposes the promotion of private interests, other than a private interest which has a social purpose; and
iii. An entity that makes no part of its income, capital or property available directly or indirectly to any promoter, founder, member, administrator, donor or any other private interest.

Provided that if a promoter, founder, member, administrator or donor is another enrolled non-profit making organisation, the limitation in this paragraph (c) shall not apply where the availability of such income, capital or property is subject to conditions which are consistent with the general purposes of the grantor entity:

Provided further that an organisation shall continue to be deemed as non-profit making notwithstanding that:

	(i) it obtains a pecuniary gain from its activities when such gain is not received or credited to its members but is exclusively utilised for its established purposes; (ii) it buys or sells or otherwise deals in goods or services where such activities are exclusively related to its principal purposes; (iii) it is established for the general entertainment, pastime, education or other similar benefit only of its members; or (iv) it is established for the promotion of the social role, ethics, education and values of a trade or profession provided it does not promote the private interests of its members.
End Date	This term refers to the date when the Voucher, having commenced on the Start Date, expires.
Evaluators	Evaluators are the consultants who responded to Xjenza Malta's Call for Applications to provide evaluation services for submissions made through this Programme.
Grant Agreement	The Grant Agreement (GA) is the funding agreement concluded between the Managing Agency and the beneficiary/ies and specifies the rights and obligations of the contracting parties.
In-kind	The term refers to any non-monetary contribution, such as a service or a good.
Innovation	The term is defined as the internationally novel scientific/technological development of a technological process, product, or service. Also, the definition of innovation within the same context can also be applied to developments which though not novel represent a step-changing or ground-breaking enhancement of existing technological processes, products, or services, or even the application of existing knowledge to new novel applications of these solutions to deliver step-change competitiveness through such an application.
Intellectual property (IP)	IP means statutory and other proprietary rights and includes patents, trademarks, designs, and confidential information/trade secrets, copyright.

Legal Entity	The term refers to any entity created within the European Union, having an operating base in Malta and which has legal personality, which may, acting under its own name, exercise rights and be subject to obligations.
Managing Agency	The term refers to Xjenza Malta, a Managing Agency established as per Subsidiary Legislation 595.49.
Voucher	The terms refers to a financial incentive provided to beneficiaries through which eligible costs listed hereunder may be reimbursed.
Voucher Grant	The term is defined as the granted funding provided under this Programme.
Partner	Defined as a partner in a consortium.
Principal Investigator	Defined as the lead researcher on behalf of the local applicant/beneficiary. May be the same as the Project Contact Point.
Project Contact Point	The term refers to the individual, appointed to act on behalf of the Beneficiary and who is responsible for communicating with the Managing Agency about the Project/Voucher. The Project Contact Point(s) shall have the following responsibilities: i. To ensure compliance with the obligations in terms of the Grant Agreement. ii. To compile Periodic Reports and Final Reports including their timely submissions and effective execution of the project. iii. To ensure the submission of all required financial reporting as per the contractual obligations for the partner. To execute the project/voucher activities according to set timeframes and deliverables.
Service Provider	The terms refers to any pre-approved Xjenza Malta service provider which shall aid the beneficiary in the activities listed in these Rules for Participation.

Start Date	The term refers to date established for the official start of the project in the Grant Agreement.
Technology Readiness Levels (TRLs)	A framework to measure the maturity of a technology, ranging from TRL 1 (basic principles observed) to TRL 9 (proven in an operational environment). They guide the development process, starting from concept formulation, through validation and prototyping, to full deployment in real-world conditions.

5 Eligibility Criteria and Applications

This section provides details as to the criteria which must be checked in order to assess the entity/consortium's eligibility to apply and the application's fit within this Voucher.

Public entities and public research and knowledge dissemination organisations **that do not carry out an economic activity within the meaning of Article 107 TFEU** as defined in Section 4 of these rules, may apply and will be eligible for funding subject to the terms and conditions laid out in these Rules for Participation and in particular the conditions for eligibility.

Applicants must have reached a TRL of 5 or more. Applicants must have already benefited from an applied Xjenza Malta research grant.

In the case of a consortium, the following conditions shall apply:

a) In the case of a consortia made up exclusively of Maltese entities, all the parties must decide on the terms of the IP through an IP agreement, assignment, licensing, or any other relevant document, which must be submitted to the Managing Authority. All signatories must be included in the Grant Agreement.

b) In the case of a multinational consortia, which include one or more Maltese entities, funding will be allocated pro rata based on the percentage share of the Maltese entity's participation in the project. Additionally, the IP must be registered among the consortium's entities according to the aforementioned percentage share.

Projects must not have exceeded 5 years from the date of the research grant awarded.

All applications should be accompanied by the relevant declarations duly completed within the Appendices of the Application Form.

Given the aims of the Intellectual Property Registration Voucher, it is integral that any proposal that will be considered for funding implements a scientific basis and highlights the research methodology to be conducted.

2.1 Eligibility and Applicable Obligations (Option B) – Non State Aid

These Rules for Participation allow eligibility under a non-state aid route.

Under these rules, the partner must be considered a **public entity, or a public research and knowledge dissemination organisation,** as defined in Section 4, that does not carry out an economic activity within the meaning of Article 107 TFEU.

Those entities that may be eligible for participation under this route shall be required to declare themselves as:

a) a **public** "research and knowledge dissemination organisation" as defined in the Commission Framework for State aid for research and development and innovation (2022/C 414/01) paragraph 16(ff).

or

b) a **public** entity whose activity does not constitute an economic activity within the meaning of Article 107 of the Treaty on the Functioning of the European Union[1].

[3] The relevant appendices to the application should be completed by each partner.

6 The Application Process

The selection and funding of proposals under this Voucher shall be on a first come first serve basis.

Applicants should refer to the eligibility criteria in Section 4.

6.1 Application Submission

Submission, evaluation and selection of project applications will be in the form of a **one-stage process**. The Applicant should ensure complete compliance to these 'Rules for Participation' prior to submission as no amendment or negotiations are allowed after submission.

If the Applicant is unsuccessful in obtaining the Voucher, **the Applicant must wait three months from the date that the Managing Authority receives the application before reapplying for the same voucher**. During this period, the Applicant should further develop the prototype, product, or technology and reassess the application to enhance the likelihood of success.

The legal representative/s of the applying organisation must either physically or electronically sign off the application and enter the date of signature. This/these individual/s must also sign off and date all relevant declarations found within the Appendices of the Application Form.

The content of the application form and these Rules for Participation will be directly appended to the Grant Agreements for successful Applicants and will constitute the Grant Agreement technical obligations.

Any text or appendices within the submitted application, that go beyond the prescribed maximum word count and/or page limits, shall be **disregarded in the scientific evaluation process**.

Application forms can be sent electronically to voucher.xjenzamalta@gov.mt, keeping Kyle Bonnici (kyle.bonnici.4@gov.mt), Matthias Barbara (matthias.barbara.1@gov.mt) and Daniel Busuttil (daniel.busuttil.4@gov.mt) in copy, with "Intellectual Property Registration – Voucher Submission" as a subject. It is the responsibility of the applicant to ensure that a confirmation of receipt is provided.,

All submissions shall include:

- ✓ The **application form** in MS Word (.docx) format and a signed scanned copy (to be sent by email)
- ✓ **Additional Declarations** (related to Personal Data, Double Funding,) *found within the application form*.

It should be noted that emails with large attachments may be rejected by the system. Other file transfer services (such as WeTransfer) may be considered. **It is the responsibility of the Applicant to ensure that application documents are sent out successfully.**

All received applications shall be acknowledged by email. Applications shall be forwarded for evaluation at the end of every month unless otherwise stated by Xjenza Malta

7 Voucher Parameters

Xjenza Malta reserves the right to carry out financial and/or technical audits to its discretion at any time within the project to ensure that Voucher Parameters as per contractual obligations are being observed.

7.1 Voucher Grant

Successful applicants will be awarded a grant of up to €20,000, provided on a reimbursement basis. Beneficiaries are expected to collect all invoices and submit once a year for reimbursement or at the end of the voucher period with the necessary deliverables submitted to the Managing Authority stated in **Section 7.3**.

7.2 Budget Duration

This Budget must be utilised within **three and a half (3.5) years** from the date of the final signature of the grant agreement.

7.3 Deliverables

The IPR Voucher should consist of the following activities:

a) The updated IP Check
b) Drafting of the Claims and Draughtsman drawings

c) Priority application
d) Initial search report: review and discussion of strategy/amendments to application that may be required at PCT filing.
e) Any further drafting for PCT application and filing of PCT application at 12 months.
f) Formal drawings
g) An international search report, review and discussion of the future prosecution strategy and report publication.
h) Patent Attorney and overall process-management.
i) Passing on the international search report and publication notice

Upon completion, evidence of the three deliverables outlined below are required to be submitted:

1. Search Report
2. Filing of Intellectual Property
3. Grant of Intellectual Property

7.4 Eligible Costs

The eligible costs relate solely to the approved service provider executing the activities outlined by the voucher in these Rules for Participation.

7.5 Ineligible Costs

Only the costs specified by the Activities will be eligible. The IPR Voucher **does not** cover the costs involved in translating the claims into two other languages, nor does it cover validation of the grant in each designated state in which patent protection is required or the National/regional phasing.

7.6 Aid intensity

An applicant participating under these Rules for Participation will be awarded assistance amounting to 100% of eligible costs, including VAT.

8 Evaluation

If successful, applications will be forwarded to three external evaluators for External Evaluation. Failure to achieve a minimum of 65% pass or failure to reach the subsection

thresholds during the External Evaluation will fail the project application. For the application to be successful it must pass from all three steps.

External Evaluators will be evaluating applications on the following criteria:

8.1 Excellence (50% Threshold: 30%)

- What is the current TRL of your prototype? (e.g., TRL 1–9). Briefly describe the current development stage of your prototype and provide a high level plan for its continued future development.
- Does the concept appear to be novel? Please perform a basic IP check and identify any potential infringing IP and prior arts.
- Is the timing right for the IPR filing, considering the current level of development?
- What makes your prototype unique or superior to existing solutions in the market? (List any competitive advantages)
- Is the commercialisation plan proposed adequate and reasonable for the technology is to be protected?

Implementation (50% Threshold: 30%)

- What is the primary objective of registering this IP. How does the IP contribute to the entity's goals? Mention any strategic benefits associated with the IP.
- Is there a plan to further develop the IP post-registration? Are there clear risk and mitigation strategies? Are there potential partnerships or collaborations that could enhance the IP's value? Has the IP been adequately discussed internally and will it follow the entity's filing procedure.
- Please outline the strategy for protecting your IP including the form of IP protection (e.g. Patent, Trademark etc..). Outline the areas which the IP will cover and what component of the technology will be protected.

9 Duration

The IPR Voucher remains valid for up to three and a half years from the date of the final signature in the grant agreement and the budget must be utilised within this timeframe.

Since patent registration processes vary considerably depending on a myriad of factors such as national laws, patent office backlogs, the receiving body as well as the quality of the patent application itself, Xjenza Malta deems it more pragmatic that the Service Provider designs the timelines which would best suit the exigencies of the application in question.

The Voucher Programme will close once all funds have been exhausted.

Additionally, the programme will temporarily close during the following periods:

- **June 30th to August 31st**
- **December 1st to January 9th**

Applications submitted during these periods will not be processed. Additionally, if an application is received during this time, the applicant may be required to resubmit after the temporary closure, incorporating any new changes implemented in the call documentation.

10 Terms and Conditions

By applying to or participating in this program, you acknowledge that you have read, understood, and agreed to the terms and conditions.

11 Scenario Two

At the discretion of Xjenza Malta and the Commerce Department, applicants may choose a Maltese priority filing through the Commerce Department. This option could allow applicants to benefit from up to an **80% fee reduction for drafting a search report, including a written opinion by the EPO.**

It is important to highlight that this 80% fee reduction will help the applicant maximize the utilization of the €20,000 grant.

Interested applicants are to contact the Programme Coordinator if they wish to make use of the alternative filing.