

09.05.2018

ToR for Offers invited from firms specializing in IPR laws

APEDA, an autonomous organization under the Ministry of Commerce invites offers from the law firms specialized in registration and protection of Intellectual Property to assist APEDA in the task of registration and protection of Intellectual Property in respect of Basmati rice in India and abroad. The selected firm will be engaged initially for a period of two years.

The detailed scope of the work to be undertaken by the law firm and other terms of reference may be seen at APEDA website www.apeda.gov.in.

Bids in two parts, technical and financial, in separate sealed covers super scribed as 'Bid for registration and protection of Intellectual Property in respect of Basmati Rice' are to be submitted by May 31, 2018 (5 p.m.) to Shri A K Gupta, Director BEDF at below mentioned address.

**Agricultural & Processed Food Products
Export Development Authority (APEDA),
Ministry of Commerce & Industry, Govt. of India,
3rd Floor, NCUI Building, 3 Siri Institutional Area,
August Kranti Marg, (Opp. Asiad Village),
New Delhi - 110 016, India**

Note:

- CPP Portal Tender ID: 2018_APEDA_318392_1
- Tender Title: Offers invited from firms specializing in IPR laws

Terms of Reference

Scope of Work:

- 1) To advise APEDA on the protection of Basmati vis-à-vis the entire spectrum of Intellectual Property laws and assist in registration/protection of Basmati in India and abroad;
- 2) To monitor the national and international registers of trademarks and geographical indications on third party efforts to register the Intellectual Property in Basmati name and take requisite action in India and abroad;
- 3) To initiate action against potential threats to the name Basmati in India and abroad through cease and desist notices, oppositions, cancellations, court actions or other modes of action;
- 4) To represent APEDA before the Courts of law in India and abroad, including the Geographical Indications Registry and the Trade Marks Registry and the Intellectual Property Appellate Board.

Qualifying Requirements:

Applicants who qualify the following requirements should only apply:

- a) An established law firm for more than 5 years with minimum annual revenue of Rs 5 crore in the field of IPR in each of the 3 preceding financial years. In support of this, a certificate from Chartered Accountant may be provided along with the technical bid.
- b) Experience of more than 5 years in handling matters relating to geographical indications. To substantiate this requirement, the applicant must provide details of the cases handled in India and abroad. (First cease and desist letters should be disregarded).

Case title	Jurisdiction	Associate foreign law firm	Current status	Name of the attorney on record
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On a separate sheet of paper list out experience on dealing with issues relating to Geographical indication and involvement in setting out the strategy for various Products with a special focus on Agricultural commodities

- c) At least three attorneys of the applicant firm must have at least 10 years of the standing at the Bar and should have domain knowledge of the international treaty, WTO Agreement and other regional agreements on the subject of geographical indications. Please provide the resume of each of the attorneys concerned listing out, *inter alia*, the years of experience in dealing with the issues, publications on the topic, books written, presentations in international conferences and any other kind of work done in the area;
- d) Adequate facilities and infrastructure to monitor national and international trademark and geographical indication registers. Details to be provided
- e) Applicant must have a network of associate law firms or lawyers in major countries to facilitate carrying out assignments in the field of geographical indications and other IP laws. A list of the foreign law firms, associates should be provided with nature of relationship and whether the relationship is exclusive

Financial Bids:

I. Fee for action in India before GI Registry/Trade Mark Registry/Copyright Board/ IPAB /various High Courts and the Supreme Court relating to Intellectual Property vested in Basmati rice or any other products to be decided by APEDA, will be paid as per fee payable to various categories of Central Government Counsel in accordance with Office Memorandum No. 26 (1)/2014/judl. dated 1st October, 2015 issued by Government of India, Ministry of Law & Justice, Department of Legal Affairs, Judicial Section. The fee structure applicable to three categories of lawyers Group A, B & C will be applicable to the three levels of lawyers in the firm i.e. level 1 such as Senior Partners, level 2 such as Retained Partners and level 3 such as Associates.

However, for a particular activity billing to APEDA is not expected in respect of more than one lawyer from level 1 & 2 and two lawyers from level 3.

In case, senior advocates from outside are engaged by the selected firm to represent APEDA in any matter before a Tribunal, High Court or Supreme Court, approval from APEDA will be sought for the fee to be paid to them.

II. For action in foreign jurisdictions before different fora relating to Intellectual Property vested in Basmati rice or any other products to be decided by APEDA, the selected law firm will take prior approval from APEDA for fee to be remitted to Foreign Associates.

III. To monitor the national and international registers of trademarks and geographical indications on third party efforts to register the Intellectual Property in Basmati name for taking requisite action in India and abroad, Watch Agency will be appointed on competitive bid basis by the selected law firm with prior approval of APEDA. Fee paid to the watch agency will be reimbursed by APEDA.

IV. The firm is required to quote a lump sum fee which will be paid on monthly basis over and above the fee as per I and II above. This lump sum fee shall cover activities required to be performed for protection of Intellectual Property vested in Basmati rice.

V. GST will be payable extra as applicable from time to time

VI. APEDA reserves the right to reject any offer or cancel the bid process.

Format for Financial Bid

Sl. No.	Activity	Payment of fee/ reimbursement
I.	Fee for action in India before GI Registry/Trade Mark Registry/Copyright Board/ IPAB /various High Courts and the Supreme Court relating to Intellectual Property vested in Basmati rice or any other products to be decided by APEDA.	(i) As per fee payable to various categories of Central Government Counsel in accordance with Office Memorandum No. 26 (1)/2014/judl. dated 1 st October, 2015 issued by Government of India, Ministry of Law & Justice, Department of Legal Affairs, Judicial Section.

		<p>(ii) The fee structure applicable to three categories of lawyers Group A, B & C will be applicable to the three levels of lawyers in the firm i.e. level 1 such as Senior Partners, level 2 such as Retained Partners and level 3 such as Associates.</p> <p>(iii) In case, senior advocates from outside are engaged by the selected firm to represent APEDA in any matter before a Tribunal, High Court or Supreme Court. (Approval from APEDA will be sought for the fee to be paid to them).</p> <p>Accepted</p>
II.	For action in foreign jurisdictions before different fora relating to Intellectual Property vested in Basmati rice or any other products to be decided by APEDA, the selected law firm will take prior approval from APEDA for fee to be remitted to Foreign Associates.	Accepted
III.	To monitor the national and international registers of trademarks and geographical indications on third party efforts to register the Intellectual Property in Basmati name for taking requisite action in India and abroad, Watch Agency will be appointed on competitive bid basis by the selected law firm with prior approval of APEDA. Fee paid to the watch agency will be reimbursed by APEDA.	Accepted

IV.	The firm is required to quote a lump sum fee which will be paid on monthly basis over and above the fee as per I and II above. This lump sum fee shall cover activities required to be performed for protection of Intellectual Property vested in Basmati rice.	Rs.....per month
V.	GST/taxes will be payable extra as applicable from time to time	

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- **CPP Portal Tender ID:** 2018_APEDA_318392_1 (**Title:** Offers invited from firms specializing in IPR laws)
- **Tender Reference File Number:** CRL-2012-13-00001