



जम्मूकेंद्रीयविश्वविद्यालय

Central University of Jammu

रह्या-सुचानी(बागला)साम्बा -१८११४३जम्मू (ज.एवंका.)

Rahya-Suchani (Bagla) District Samba – 181143, Jammu (J&K)

EoI No. CUJ/Proc./IIC/2024/02

Dated: 27/06/2024

EXPRESSION OF INTEREST (EoI)

FOR

**EMPANELMENT OF IP (LAWFIRM) FOR HANDLING IP
APPLICATIONS AND
OTHER IP RELATED WORK FOR
CENTRAL UNIVERSITY OF JAMMU**

1. DEFINITIONS:-

- 1) **Central University Jammu (CUJ)** means its Executive Council, Vice Chancellor and its functionaries and any other officials or agencies designated by Vice-Chancellor or Executive Council for the purpose.
- 2) **Bid:** - means the term is inter changeably used with the proposed.
- 3) **Financial proposal:** - Means the financial part of the bid or application that specifies the fee affluent offers to change for services for its project with compromises the fee quoted for the total project also for the various stages of the project.
- 4) **Capital Cost:** - Means the total approved project cost
- 5) **Bidder:** - Means the terms is interchangeably used with applicant
- 6) **Functional Branch Office:** - Means the Office of the Institute Innovation Cell (IIC)
- 7) **Month:** - Means period of 30days / from and excluding the date of the event where applicable else a calendar month.
- 8) **Site:** - means the land / building over which the project will be developed
- 9) **Termination Notice:** - Shall means the notice given before termination of his agreement in accordance with relevant clauses of the agreement.
- 10) **Fee:-** Means the charges to be paid to IP Law firm for the services rendered by it in total or in stages, as may be settled.
- 11) **Effective date** means the date of signing of this Agreement by both the parties.
- 12) **Technical proposal:** means the technical part of the bid or application that includes information/documents required for evaluating the technical eligibility of the bidder.

2) EXPRESSION OF INTEREST

Empanelment of IP (Law Firm) for handling CENTRAL UNIVERSITY OF JAMMU's IP applications and other IP related work.

CENTRAL UNIVERSITY OF JAMMU, a statutory body established under Central University Act, 2009 read with Central University (Amendment) Act, 2009 having its Headquarter at Rahya-Suchani (Bagla), District: Samba – 181143, Jammu (J&K) referred and acting through its Registrar (which expression shall unless excluded by or repugnant to the Context be deemed to include its Successor-in-interest and assigns)

CENTRAL UNIVERSITY OF JAMMU invites Expression of Interest (EOI) for empanelment of IP Law firms for handling Indian as well as foreign patent applications and for securing and safeguarding protection for other forms of IP in India and Abroad. The applying firms and its counterpart foreign associates should be able to provide services for:

- Novelty search, examination, drafting, filing, prosecution, maintenance, opposition, litigation, revocation, restoration and any other proceedings in respect of Indian and foreign patent applications/patents and for registration/securing of other forms of IP in India and abroad.
- All other forms of IP and related work comprising services for copyright matters, design, trademark, layout design, plant varieties, opposition, litigation, revocation, restoration, representation before Appellate Board in India, miscellaneous actions under the relevant Act and any other proceedings in India.
- Other IP related work comprising drafting of agreements, MOU, Freedom to operate searches, assistance in licensing and other IP Management matters like IP audit, IP valuation, commercialization strategy and opinion/advice relating to IP matters.
- The IP firm should have good standing for at least a period of **05 years** or more and must have filed at least 100 foreign patent applications (including PCT applications) for clients based in India. The IP firm should possess

professional expertise especially in handling patent applications in the field of Technology, **Social Sciences, Chemical Science, Life science, Business and Engineering etc.** The firm must have the requisite infrastructure and be financially sound. The firm should have network of leading foreign attorney firms worldwide who can handle the assigned work with respect to CENTRAL UNIVERSITY OF JAMMU patent applications and other forms of IP.

The 'Techno-legal IP bid' is invited initially. The shortlisted firms will be asked for a presentation before the expert committee. The format for the submission of 'Financial Bids' will be sent to only shortlisted firms.

The applicant shall mention on the sealed envelope **Firm's Name, Phone number & name of the contact person and a line highlighting 'Techno-legal IP bid' and 'Do Not Open Before the Last date of receiving the EOI.** The Sealed envelope may be addressed to THE REGISTRAR, CENTRAL UNIVERSITY OF JAMMU, Rahya-Suchani (Bagla) District Samba – 181143, (J&K)

CENTRAL UNIVERSITY OF JAMMU, reserves the right to shortlist firms at any point of assessment of their credentials for the empanelment. This advertisement does not constitute and will not be deemed to constitute any commitment on the part of CENTRAL UNIVERSITY OF JAMMU.

3. INFORMATION AND INSTRUCTIONS FOR APPLICANT

- a) All information called for should be furnished against the relevant items in the prescribed forms. If for any reason, information is provided in a separate sheet, this fact should be mentioned against the relevant column. Even if no information is to be provided in a column, a 'nil' or "nosuch case" entry should be made in that column. If any particulars/query is not applicable in case of the applicant, it should be stated as "not applicable". The applicants are cautioned that not giving complete information called for in the application forms or not giving it in clear terms or making any change in the prescribed forms or deliberately suppressing the information may result in the applicant being summarily disqualified.
- b) The applicant should sign each page of the application.
- c) Overwriting should be avoided. Correction, if any, should be made by neatly crossing out, initialing, dating and rewriting. Pages need to be numbered. Additional sheets, if any added by the service provider, should also be numbered by him.
- d) References, information and certificates from the respective clients certifying suitability and capability of the applicant should be duly signed.
- e) The applicant may furnish any additional information which he thinks is necessary to establish the capabilities of the firm to successfully complete the envisaged work. It is, however, advised not to furnish superfluous information. No information shall be entertained after submission of EOI document unless it is called for by CENTRAL UNIVERSITY OF JAMMU.
- f) Any information furnished by the applicant found to be incorrect either immediately or at a later date, would render him liable to the termination of the contract.
- g) Any effort on the part of the applicant or his agent to exercise influence or to pressurize CENTRAL UNIVERSITY OF JAMMU would result in rejection of his application.
- h) Any application received after deadline for submission of bid prescribed by CENTRAL UNIVERSITY OF JAMMU will not be rejected and shall be marked as "late" and not considered for further evaluation. The envelope shall not be opened and shall be returned to the bidder.
- i) All bids will be opened in the presence of their authorized representative as per the schedule given in the invitation of bids.
- j) The number of patents estimated to be filed during a year is 10.
- k) The financial bid shall be asked from the firm qualified by the institute for calling the financial bid.

- l) Institute reserve right to select one or more firm for financial quote.
- m) The Institute have right to keep more than one firm in panel of IP Firms for handling CENTRAL UNIVERSITY OF JAMMU's IP applications and other IP related work.
- n) The panel shall be valid for 3 years from the date of issue of letter of intent.
- o) Initially the firm will be engaged for the period of 01 years, if the performance of the firm found satisfactory the engagement may be extended for further year(s) on yearly basis at the same rates with mutual agreement between the both the parties.
- p) The firm having valid MSME certificated under Micro and Small category will be exempted from submission of EMD, Experience and Turnover certificate. In case of MSME bidder exempted from submission of EMD, However the selected firm has to submit PBG as requested in the Tender within 15 days of award of tender. If the Firm failed to execute the awarded tender then it will be debarred for next two years from taking participation in any tender published by CUJ.
- q) The firm should not have been black listed by any Government Department or Any other Organization in respect of any assignment or behavior. The Firm has to submit an undertaking in this regard mentioning the status of past three year.

4. Format for submitting proposal

From
(Firms Name and Address)

To
The Registrar
Central University of Jammu

Subject: Submission of Expression of Interest for "Empanelment of IP Law Firm for handling CENTRAL UNIVERSITY OF JAMMU's IP applications and other IP related work."

Sir,

Having examined the details given in the Terms and conditions of the Expression of Interest for the above work, I/we hereby submit the EOI.

1. I/We hereby certify that all the statements made and information are true and correct.
2. I/We have furnished all information as required in "Profile and Business Competencies of The Firm' which is necessary for EOI and have no further pertinent information to supply.
3. I/We also authorize CENTRAL UNIVERSITY OF JAMMU to approach individuals, employees, firms and corporation to verify our competence and general reputation.
4. I/We will make comprehensive presentations before officials of the CENTRAL UNIVERSITY OF JAMMU at various stages to explain the functioning and other matter necessary for the empanelment of the attorney.
5. I/We submit the following documents in support of our suitability, technical know how and capability for having successfully completed the following assignments.

Seal of applicant

Date of submission Signature(s) of Applicant(s)

(Authorized signatory with Name and his capacity)

Enclosures:

5. Court Jurisdiction

The University shall not be bound to give justification for any aspect of the Selection Process and the decision of the University shall be final and binding on all without any right of appeal. Further, in case of any dispute, any Suit or Legal Proceedings against the University, the Jurisdiction shall be restricted to the Courts at Jammu only.

6. ARBITRATION:

If any dispute arising out from this Agreement or a breach thereof shall be first informed, settled amicably through mutual discussion or negotiations within 30 days from notice of dispute by either of the party. In the event of failure to resolve the disputes amicably within 30 days from the date of notification in writing of the existence of the dispute /difference, such unresolved dispute/ difference shall be settled through Arbitration under the Arbitration and Conciliation Act, 1996 any dispute between the Parties arising out or in connection with this contract or in respect of any defined legal relationship associated therewith or derived there from, the Parties agree to submit that dispute to arbitration **under the Arbitration and Conciliation Act, 1996** to be decided by a sole arbitrator. The arbitrator shall be appointed by Vice chancellor, CUJ, whose decision shall be final and binding upon both the parties. The arbitration proceedings shall be held at CENTRAL UNIVERSITY OF JAMMU, RAHYA-SUCHANI (BAGLA), SAMBA-181143, India and language used in this proceeding shall be English. The decision of Arbitrator appointed to deal with such matters shall be accepted by the parties as final and binding on parties. The decision to continue performance of their respective remaining obligation under this contract or to rescind the contract shall be decided mutually, despite the continuation of arbitration proceedings. The parties shall use their best endeavors to procure that the decision of the arbitrator is given within a period of six months. The courts in Jammu, India shall have exclusive jurisdiction in relation to this contract including this clause.

All fees pertaining to arbitration proceedings shall be borne by the both the parties equally and other costs incurred by the parties shall be borne by the respective parties. However the Sole arbitrator will not be an employee of CUJ. Any and all disputes arising from this Agreement or a breach thereof shall be first settled amicably through mutual discussion within 30 days from notice of dispute by either of the party.

OR

In the event of any dispute or difference relating to the interpretation and application of the provisions of commercial contract(s) between Central Public Sector Enterprises (CPSEs) inter se and also between CPSEs and Government Departments / Organizations (**excluding disputes concerning Railways, Income Tax, Customs & Excise Departments**), such dispute or difference shall be taken up by either party for resolution through AMRCD as mentioned in **DPE OM No. 4(1)/2013-DPE (GM) / FTS-1835 dated 22.05.2018.**

7. TERMINATION OF CONTRACT

Termination for Default: CENTRAL UNIVERSITY OF JAMMU reserves its right to terminate/ short close the Contract, without prejudice to any other remedy for Breach of CONTRACT, by giving One Month Notice if IP Law firm fails to perform any obligation(s) under the CONTRACT and if IP Law firm does not cure its failure within a period of 30 days (or such longer period as CENTRAL UNIVERSITY OF JAMMU may authorize in the writing) after receipt of the default Notice from CENTRAL UNIVEERSITY, JAMMU.

Termination for Convenience: CENTRAL UNIVERSITY OF JAMMU may, terminate the Contract, in whole or part, at any time for its convenience. However, the payment shall be released to the extent to which performance of work executed as determined by CENTRAL UNIVERSITY OF JAMMU till the date upon which such termination becomes effective.

(Signature, name and designation of the authorized signatory)

For and on behalf of

9. PROFILE AND BUSINESS COMPETENCIES OF THE FIRM

1. PROFILE OF THE FIRM

- a) Full Name of the firm
- b) Complete Address of main office and branch offices along with telephone numbers, email address of the Firm
- c) Internet address(es)
- d) Place of work : firm owned/leased
- e) Date of establishment of the firm
- f) Legal Status of the firm (attach attested copies of original document)
- g) Particulars of the registrations/certifications if any with various government/nongovernmental bodies (attach attested photocopy)
- h) Particulars of the memberships/partnership if any
- i) Articles and Memorandum of Association
- j) Partnership agreement between the firm and its partner clearly highlighting the scope of work for each:
- k) Details of PAN (Permanent Account Number), GST Number, TAN (Tax Deduction and Collection Account Number) and other Important Registration No. may also be provided
- l) Audited balance sheet for last two financial years.
- m) Area of specialization:
- n) (Patents/Trademarks/Copyright/Designs/Litigation/opposition/Contracts/other IP related activities)
- o) Number of professionals (Partners/Associates) presently employed with the firm for patent and related IP work in various fields and their profiles:

Sr.No	Name of the Professional	Qualification	Area of expertise	Experience (no. of years)	Number of cases handled (Specify whether it is for copyright, Trademark or Patent or any other IP form, litigation/opposition)
01					
02					

- 2. Provide details of number of patent applications or other forms of IP handled

by the firm during the last 5 years with respect to:

- I. Number of patent applications drafted and filed in India from Indian clients and from foreign clients;
 - II. Number of patent applications drafted and filed abroad including PCT applications from Indian clients;
 - III. List of patent applications published /granted related to those handled by Firm;
 - IV. Number of cases handled with respect to other forms of IP.
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3. Number of litigations/opposition proceedings handled by the firm pertaining to patents, design, trademarks and copyrights during the last 5 years and success rate of the decided cases in favor of the client(s) during this period.
 4. Number of Indian/foreign patent applications filed on behalf of other government organizations and industry from India and the name of these organizations.
 5. Names of foreign associates handling the cases in various countries.(Provide a list of Foreign associate and basis of their selection along with their international ranking and source of such ranking)
 6. Names of authorized signatory (ies)/Representative(s) to deal with day to day transactions and to visit CENTRAL UNIVERSITY OF JAMMU to discuss the functional and technical matters with respect to IP related matter.
 7. Procedures adopted by the firm in regard to maintaining security of information related to hard copies and computer based transaction/ exchange of information between the clients and the firm.
 8. Testimonials/references from the present clients.
 9. Was the applicant ever required to suspend the works for a period of more than six months continuously after award of work? If so, give the reasons of suspension of work.
 10. Has the applicant or any constituent partner in case of partnership firm, ever abandoned the awarded work before its completion? If so, reasons for abandonment.
 11. Has the applicant or any constituent partner in case of partnership firm, ever been convicted by a court of law? If so, give details.
 12. Any other information considered necessary but not included above.

Financial Bid Annexure -II

10. Rate including for IPR – patent Applications filing and prosecuting

Sr No	Type of work	Price (for per unit work Inc.GST)
1.	Prior art search / patentability search, support and search report generation per concept / idea	
2.	Drafting and filing applications with Provisional specification along with all necessary forms such as: Form 2, Form 3, Form 5, Form 8, and Form 26	
3.	Drafting and filing complete specification after filing provisional specifications with all necessary forms such as Form 1, Form 2, Form 3, Form 5, Form 8, Form 18, and Form 26	
4.	Drafting and filing application with complete specification in the first instant along with all necessary forms such as Form 1, Form 2, Form 3, Form 5, Form 8, Form 18, and Form 26	
5.	Taking over already filed application, per case	
6.	Drafting and filing of patent of addition	
7.	Drafting and filing of divisional application	
8.	CADD drawing support – per diagram A4 page	
9.	Preparing and filing a form for extension of time (Form 4)	
10.	Late submission of forms/documents	
11.	Filing a request for early publication (Form 9)	
12.	Filing of a request for examination – per filing	
13.	Obtaining certified copies of patent applications	
14.	Reporting official action including FER, SER etc	
15.	Amending specification and re-filing in response to FER, SER etc (Form-13)	
16.	Discussion at Parent Office during prosecution of application per appearance	
17.	Attending to the restoration of lapsed patents, filing petitions and attending to payment of fees (Form15)	
18.	Drafting deed form	

19.	Filing application for registration for assignment/license (Form 16)	
20.	Filing application regarding change of name, address, nationality, etc.	
21.	Application for registration of copyright (Form 4)	
22.	Application for registration of charges in the particulars of copyright entered in the Register of Copyrights (Form 5)	
23.	Application for restricting importation of infringing copies under Section 53 of the Act (Form 60)	
24.	Filing notice for relinquishment of copyright (Form 1)	
25.	Filing application for a license for translation (of one work in work language) (Form 2)	
26.	Filing application for a license for publication / translation / reproduction (compulsory license) (Form 2A)	
27.	Meeting objections from the Registrar, Copyright	
28.	Drafting of any specific forms such as NOC	
	TOTAL AMOUNT	

Rate for each work needs to be submitted separately for per unit of work inclusive of GST wherever applicable