



NATIONAL INSTITUTE OF PHARMACEUTICAL EDUCATION & RESEARCH
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E-Tender Notice T4 /2022

(E- Expression of Interest for Empanelment of Intellectual Property (IP) /Law Firm)

National Institute of Pharmaceutical Education and Research (NIPER), Mohali intends to empanel professionally managed and experienced IP firms to handle IPR related filing and prosecution activities at Patent Office of India. Main scope of work will involve evaluation, drafting, filing, prosecution, opposition and maintenance of Indian patent applications and patents. Handling of existing patent and other IPRs portfolio of NIPER. For details tender document eligibility criteria, Corrigendum/Addendum/if any and for applying online visit the website <http://tenderwizard.com/NIPER> & <http://niper.gov.in>. Bid(s) shall be accepted only through online mode and no manual submission shall be entertained. Director, NIPER reserves the right to reject any or all tenders without assigning any reasons.

Registrar

(E- Expression of Interest for Empanelment of Intellectual Property (IP)/Law Firm)

The National Institute of Pharmaceutical Education & Research (NIPER), S. A. S. Nagar (Mohali) is an autonomous institute under the aegis of Department of Pharmaceuticals, Ministry of Chemicals & Fertilizers, Government of India which is involved in Research & Higher Education in the field of Pharmaceutical Science & Management.

National Institute of Pharmaceutical Education and Research (NIPER), SAS Nagar, Mohali invites expression of interest (EOI) from firms dealing in filing and prosecution of Intellectual Property for empanelment to handle registration of its IP applications. The terms and condition given in the tender document. Complete details can be obtained from the website: www.tenderwizard.com/NIPER and official website of the NIPER <http://www.niper.gov.in>. The e-tender is also available on Govt. of India`s Central Public Procurement Portal (e –procurement) i.e. <http://eprocure.gov.in/>.

1	Downloading of e-tender document	Start Date: 13.07.2022 at 09.00 AM
		End Date : 04.08.2022 at 01.00 P.M
2	Date of submission of e-tender	Start Date : 13.07.2022 at 10.00AM
		End Date : 04.08.2022 at 03.00 P.M
3	Opening of Technical Bid (online)	05.08.2022 at 11.00 A.M

NIPER Mohali, reserves the right to shortlist firms at any point of assessment of their credentials for the empanelment. The advertisement does not constitute and will not be deemed to constitute any commitment on the part of NIPER Mohali. NIPER Mohali reserves the right to reject any EOI if it is not in the given format, at any time, a material misrepresentation is made or uncovered, or the firm does not respond promptly and thoroughly to requests for supplementary information required for the evaluation of the EOI. **Corrigendum/Addendum or Cancellation of this advertisement, if any, shall be published on NIPER Website and www.tenderwizard.com/NIPER only.**

For participating in the above e-tender, the bidder shall have to get themselves registered with <http://tenderwizard.com/NIPER> and get user ID & password. Class 3 Digital Signature Certificate (DSC) is mandatory to participate in the e-tendering process. For any clarification/difficulty regarding e-tendering Process flow please contact on helpdesk numbers 09257209340, 08045628821, 0172-5035950.

Registrar

NOTICE INVITING e-TENDERS

1. The Bidders shall have to submit their Bids online in Electronic Format. For participation in the e-tendering process, the Bidders need to register themselves at [http:// tenderwizard.com/NIPER](http://tenderwizard.com/NIPER) and get user ID and password. Class 3 Digital Signature Certificate (DSC) is mandatory to participate in the e-tendering process. (in Case of any enquiry regarding Registration, the Helpdesk Nos – 09257209340 & 08054628821).
2. E-Tender processing **fee shall be payable to M/s ITI Limited through their e-gateway by credit/debit card, internet banking facility.** This E-Tendering fee is non refundable.
3. No tender will be accepted in physical form and in case it has been submitted in Physical it shall be rejected without any communication to the sender.
4. Bids will be opened online as per time schedule mentioned in tender document.
5. The tenderer are requested to read the tender document carefully and ensure to compliance with all the instructions herein. Non –Compliance of the instructions contained in this document will disqualify the tenderer from the tendering exercise. No communication in this regard will be entertained.
6. Before submission of online bids, bidders must ensure that scanned copies of all the necessary documents have been uploaded with the bid.
7. Director NIPER SAS Nagar will not be responsible for any delay in online submission of bids due to any reason whatsoever.
8. **The tenderer shall be required to submit the Earnest Money Deposit (EMD) for an amount of Rs. 1,00,000/- (Rupees One Lac only) which refundable though e-payment (Internet Payment Gateway (Debit & Credit , Net banking & National Electronic Funds Transfer) only . It is further required that the E-receipt/proof of deposit of EMD attached with technical bid and e_tendering mode with other relevant documents. In case of non receipt of earnest money in tender, the tender will be straightway**
9. The Financial Bid through e –tendering of only those bidders shall be opened who will qualify in the technical bid and are approved by the technical Committee.

Scope of Work:

1. Evaluation, drafting, filing, prosecution, opposition and maintenance of Indian patent applications and patents
2. Evaluation, drafting, filing, prosecution, opposition and maintenance of foreign patent applications and patents
3. Securing registration and maintenance of copyright, design, trademark and layout design.
4. Handling IP infringement cases
5. Interaction with inventors

Eligibility and Evaluation Criteria:

The EOI application should contain the following information:

1. Complete organization profile including its Registration and their patent agents, with appropriate authority with documentary evidence.
2. Audited balance sheet for last three years ending **31st March 2019**.
3. Organization should submit proof of having an average annual turnover of at least ₹ 50 (Fifty) Lakhs in each year as having collected fee/ legal fee/ charges in last 03 years i.e up to **31-03-2019**.
4. The firm should have minimum five years of experience as an Indian entity.
5. The firm should possess professional expertise especially in handling patent applications in the field of Pharmaceutical sciences (all branches) specifically in Medicinal Chemistry, Natural Products, Pharmaceutical Analysis, Pharmacology, Biotechnology, Process chemistry and Pharmaceutics. Bio data of key personnel on the roll of the company may be provided.
6. The firm should have an office in **Delhi, NCR** and must have the Intellectual Property Firm infrastructure for the proper functionality and it must having employed at least 50 Trained/qualified personnel dealing in the IP affairs, substantiated by credible evidence of requisite infrastructure in support of their credentials and due documents in support thereof be furnished.
7. The firm should not have been blacklisted by any Central /State Government / Public Sector Undertaking, Govt. of India. Affidavit may be provided on format as Annexure B.
8. Copy of PAN No.
9. Number of Indian/Foreign Patent Applications filed (Minimum 500 applications in last 5 years).
10. Number of Indian/Foreign Patent Applications Granted (Minimum 200 applications in last 5 years).
11. Engagement Letters as clients from Government Organization/ Research Institutes (at least 03 in last 05 years).
12. Tender Fees and EMD.
13. Any other information in support of their applications.

Information and Instructions for IP/Law Firm

1. 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 "no such case" entry should be made in that column. If any particulars/query is not applicable in case of the firm, it should be stated as "not applicable".
2. Each page of the application should be signed and stamped by competent authority of the firm.
3. Each page of the application should be numbered in “x of y” format where ‘x’ denotes the serial number of attached page and ‘y’ denotes total number of pages.
4. Each annexure should be referred to relevant section of the “**Information Document**”.
5. The firm should provide a detailed schedule of charges and timelines for each activity under **Price Bid (schedule of charges) and it is compulsory.**
6. All the information regarding the manpower, clients, patent filings should be given in reference to the firm based in India. Information given on basis of associates and sister concerns in Indian and abroad shall not be taken into account.
7. The envelope should be super-scribed with “**Application for Expression of Interest for Empanelment of IP/Law Firms**”.
8. The IP/Law firm will be empaneled initially for the period of Two years depending upon the annual performance and/or work satisfaction, upon which the empanelment would be extended from year to year at the discretion of the Director, NIPER.
9. **Payment Tenure:** The NIPER will pay the bills quarterly, at the end of each quarter on the basis of invoice raised during that period.
10. **Hand written, incomplete tender will not be considered and Tender not signed by firm with seal will lead to rejection.**
11. The Director NIPER reserves the right to accept or reject any or all tender without assigning any reason thereof.
12. **ARBITRATION** :In the event of any questions, dispute and or difference whatsoever arising under the agreement or any alleged thereof, the same shall be settled, as far as possible by mutual discussions and consultation between consultant and NIPER reference to and in context of the agreement , falling which the same will be referred to an independent arbitrator or any arbitrator appointed by the Director, NIPER after notice to the other party, whose decision shall be final and binding on both the parties subject to as aforesaid the Arbitration and Conciliation Act, 1996 and rules there under and any statutory modification thereof for the time being in force shall apply to the arbitrator refuses or vacates his office or neglect or refuse to act or become incapable of acting or dies, the vacancy shall be supplied by Director NIPER aforesaid. The venue of Arbitration shall be Mohali.
13. **FORCE MAJEURE:** Neither Parties shall be held responsible for non-fulfillment of their respective obligations under this course of empanelment due to the exigency of one or more of the Force Majeure events such as, but not limited to, the acts of God, War, Flood, Earthquake, Strikes, Lockouts, Epidemic, Riots, Civil commotions etc. provided on the occurrence and cessation of any such event the Party affected thereby shall give a notice in writing to the other Party within 30 (Thirty) days of such occurrence or cessation. If the Force Majeure conditions continue beyond 6 (six) months, the Parties shall jointly decide about the future course of action.
14. **CONFIDENTIALITY:** “Confidential Information” means all and any technical, commercial,

scientific and other data, processes, documents, know-how, and other information (oral, written, graphic, demonstrative, electronic or otherwise) and all physical objects (including, without limitation, specimens or samples) which have been or shall be disclosed by or on behalf of Disclosing Party to the Receiving Party or to the Receiving Party's Representatives (as defined below), either prior to or after the date of this empanelment, marked as "Confidential" or if disclosed orally be confirmed in writing within thirty (30 days) of such disclosure. Confidential Information further includes information relating to the Disclosing Party's business, technology, intellectual property, and products, and shall further include without limitation, ideas, concepts, data, protocols, knowhow, standard operating procedures, communications with government entities and other commercially sensitive or proprietary information, created or generated by or on behalf of the Receiving Party using the information, or any part thereof, disclosed by or on behalf of Disclosing Party. The Parties agree that the existence, terms and conditions of this Agreement, and the Parties' discussions regarding to Transaction, shall also be considered Confidential Information and keep confidential. Confidential Information shall all time remain the property of the Disclosing Party and/or its Affiliates. Receiving Party agrees, represents and warrants that any Confidential Information that it receives shall be protected at least, with the same degree of care and protection in strictest confidence as of its own and shall take all reasonable measures to protect it. Receiving Party agrees not to disclose Confidential Information to any third party other than its Affiliates and Representatives on a need-to-know basis provided that: such Affiliates and Representatives shall always remain liable to maintain the confidentiality in terms hereof. Receiving Party shall be liable for any breach of the confidentiality.

15. **PENALTY:** The empaneled firm shall be fully responsible for any damages due to employment of inexperienced staff or due to negligence of the deputed staff by the empaneled organization/firm and liable for cumulative penalty, if any.

Format for submitting proposal

From:

(IP/Law Firms Name and Address)

To:

Director
National Institute of Pharmaceutical Education and Research (NIPER)
Sector-67, SAS Nagar
Mohali, 160062

Subject: Submission of Expression of Interest for “*Empanelment of IP/Law Firm*”

Sir,

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

1. I/We hereby certify that all the statements made and information is true and correct.
2. I/We have furnished all information as required in “Proposal” which is necessary for EOI and have no further pertinent information to supply.
3. I/We also authorize NIPER, Mohali to approach individuals, employees, firms and corporation to verify our competence and general reputation.
4. I/We submit the following documents in support of our suitability, technical knowhow and capability for having successfully completed the following assignments.

Seal of applicant

Signature of competent authority of the firm

Date of submission

Enclosures:

ANNEXURE “B”

(An undertaking to this extent should be given on Rs. 100.00 Non-judicial stamp paper duly notarized stating) ”

I/WE _____ the proprietor/ partner/Director in the firm/company
_____ having office address
_____ undertake & confirm that I/We have never been
blacklisted, suspended nor barred by any Government Institute/Department/Govt. Labs/Autonomous
bodies for undertaking contract of custom clearance and consolidation so far due to breach of contract or
any reason including corrupt and fraudulent practices adopted by us. I/We also undertake and confirm
that our contract with any Government Institute /Department/Govt. Labs/Autonomous bodies was never
discontinued/ terminated during contact period due to breach of contract or any reason including corrupt
and fraudulent practices adopted by us.

Information Document (sections A and B)

A. Basic Information about the Applicant		
1.	Name of the registered firm	
2.	Address	
3.	Phone number and email	
4.	Name of the contact person for this proposal	
5.	Mobile number and email of the contact person	

B. Eligibility and Evaluation Criteria eligibility check			
S.No	Criteria	Response	Supporting documents provided
		Yes/No	Yes/No, with page references
1.	Registration information of Firm, with appropriate authority with documentary evidence.		
2.	Audited balance sheet provided for last 3 years		
3.	Proof of having an average annual turnover of at least 50 lacs as fees from government firms		
4.	Firm should have minimum five years of experience as an Indian entity.		
5.	Bio data of key personnel on the roll of the company with experience in Pharmaceutical Sciences.		
6.	Firm should have an office in Delhi, NCR with necessary infrastructure.		
7.	Whether blacklisted by any Central /State Government / Public Sector Undertaking, Govt. of India		
8	Copy of PAN provided		
9	Number of Indian/Foreign Patent Applications filed		
10	Number of Indian/Foreign Patent Applications Granted		

11	Engagement Letters as clients from Government Organization/ Research Institutes (at least 3 in last 5 years)		
12	Tender Fees and EMD		
13	Any other information in support of their applications.		

Signature & Seal:

Date:

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Schedule of Charges and Timelines (Excluding Govt. Fee)

1.	Evaluation	Rs. (₹)	No. of maximum working days
1.1	Evaluation of patent application with patentability search and patentability/legal opinion		
1.2	Evaluation of patent application without patentability search		
1.3	Patentability search for the given subject matter (8 hrs. with report) (8 hrs. without report)		
2.	Application	Rs. (₹)	No. of maximum working days
2.1	Drafting and e-filing application with Provisional specification without inputs of IPR Cell, NIPER. This includes filing of all necessary forms irrespective of time of filing.		
2.2	Drafting and e-filing application with Provisional specification with inputs of IPR Cell, NIPER. This includes filing of all necessary forms irrespective of time of filing.		
2.3	Drafting and e-filing complete specification after filing Provisional specification without inputs of IPR Cell, NIPER. This includes filing of all necessary forms irrespective of time of filing.		
2.4	Drafting and e-filing complete specification after filing Provisional specification with inputs of IPR Cell, NIPER. This includes filing of all necessary forms irrespective of time of filing.		
2.5	Drafting and e-filing application with Complete specification in the first instant without inputs of IPR Cell, NIPER. This includes filing of all necessary forms irrespective of time of filing.		
2.6	Drafting and e-filing application with Complete specification in the first instant with inputs of IPR Cell, NIPER. This includes filing of all necessary forms irrespective of time of filing.		
2.7	Taking over already filed application, per case, if any		
2.8	Typing (original & 4 copies) per page, if any		
3.	Preparation of drawings	Rs. (₹)	No. of maximum working days

3.1	A-4 size paper		
3.2	Preparing sequence listing per sequence		
4	Extension of time & late filing <i>(preparing and filing)</i>	Rs. (₹)	No. of maximum working days
4.1	Preparing and filing a form for extension of time		
4.2	Late submission of forms/documents		
5	Prosecution	Rs. (₹)	No. of maximum working days
5.1	Filing a request for early publication		
5.2	Filing a request for examination		
5.3	Obtaining certified copies of patent applications		
5.4	Reporting official action <i>(a) if filed by us</i> <i>(b) filed by others</i>		
5.5	Amending specification, re-filing and filing appropriate response to the examination Report		
5.6	Subsequent report of corresponding application, if any including filing appropriate response to the examination Report		
5.7	Filing of documents after prescribed period with petition of condonation of delay in filing		
5.8	Sending acceptance Notice, copy of Gazette notification, sealing of patent, sending letters patent document		
5.9	Attending to first renewal after grant (3 rd Year to the year of grant)		
5.10	Attending to subsequent renewal of granted patent after first renewal of Section 5.9.		
5.11	Attending to Restoration of lapsed patent, filing petition and attending to payment of fees		
5.12	Working of patents: Each report of working under section 146		
5.13	Filing petition generally for specific reliefs or orders of Controller under different rules * <i>subject to relief sort</i>		
6	Assignment and Licenses	Rs. (₹)	No. of maximum working days
6.1	Drafting deed form		
6.2	Filing application for registration for one patent each additional patent included at the same time		

7	Recordal of change of name, address, nationality, etc.	Rs. (₹)	No. of maximum working days
7.1	Filing application in respect of one patent		
7.2	For additional patent included at the same Time		
8	Opposition	Rs. (₹)	No. of maximum working days
8.1	Filing Notice of Opposition		
8.2	Drafting Statement of opposition form, written statement and affidavit		
8.3	Drafting reply statement and Affidavit		
8.4	Attending hearing per day at New Delhi		
8.5	Attending interlocutory petition hearings		
9	Visits outside office	Rs. (₹)	No. of maximum working days
9.1	Local visits per visit		
9.2	Outstation visits per day		
10	Patent revocations/infringement, initialing revocation/ infringement, defending revocation/infringement	Rs. (₹)	No. of maximum working days
10.1	Representation charges		
10.2	Any other charges, if any		
11	Miscellaneous	Rs. (₹)	No. of maximum working days
11.1	Photocopying, fax, cable and other out of pocket expenses, if any		
12	*Filing of foreign patent applications:	Rs. (₹)	No. of maximum working days
12.1	Filing of a patent application in USA		
12.1.1	Charges for prosecuting each application till grant of patent (can be as a %age of foreign associates bills)		
12.1.2	Subsequent filing of forms/citations, etc.		
12.1.3	Fee for renewal each year		
12.1.4	Fax, cable, photocopying charges		
12.1.5	Postage charges, if extra		
12.1.6	Any other charges, if any		

	(a) <i>out of pocket expenses</i> (b) <i>Offering technical opinion</i>		
12.1.7	Request for substantive examination		
12.2	Filing of a patent application in Europe		
12.2.1	Charges for prosecuting each application till grant of patent (can be as a %age of foreign associates bills)		
12.2.2	Subsequent filing of forms/citations, etc.		
12.2.3	Fee for renewal each year		
12.2.4	Fax, cable, photocopying charges		
12.2.5	Postage charges, if extra		
12.2.6	Any other charges, if any (c) <i>out of pocket expenses</i> (d) <i>Offering technical opinion</i>		
12.2.7	Request for substantive examination		
12.3	Filing of a patent application in Japan		
12.3.1	Charges for prosecuting each application till grant of patent (can be as a %age of foreign associates bills)		
12.3.2	Subsequent filing of forms/citations, etc.		
12.3.3	Fee for renewal each year		
12.3.4	Fax, cable, photocopying charges		
12.3.5	Postage charges, if extra		
12.3.6	Any other charges, if any (e) <i>out of pocket expenses</i> (f) <i>Offering technical opinion</i>		
12.3.7	Request for substantive examination		
13	Filing of PCT application	Rs. (₹)	No. of maximum working days
13.1	Preparing and filing a new PCT application, If the complete specification for India has been drafted by the firm.		
13.2	Filing formal documents such as POA, Priority documents, etc		
13.3	Filing amendments under Article 19		

13.4	Filing demand for preliminary examination		
13.5	Filing response to written opinion/preliminary examination report and for filing amendment under PCT article 34		
13.6	Filing of a patent in any country as National Phase through PCT route		
13.7	Trademark filing with all necessary forms		
13.8	Copyright filing with all necessary forms		

*Note:- Attach a separate sheet giving filing and prosecution charges for all the countries.

*****End of the document*****