

NOTICE INVITING e- EXPRESSION OF INTEREST (EOI)

FOR EMPANELMENT OF INTELLECTUAL PROPERTY (IP) LAW FIRM FOR HANDLING
INTELLECTUAL PROPERTY APPLICATIONS AND OTHER INTELLECTUAL PROPERTY
RELATED WORK

EOI ref No.: HLL/CHO/CS/Empl-IP/2021-22



BY

HLL Lifecare Limited
(A Government of India Enterprise)

HLL Bhavan - Corporate Head Office,
Poojappura - PO | Thiruvananthapuram - 695012,
Kerala, India

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CIN: U25193KL1966GOI002621.

NOTICE INVITING e-EXPRESSION OF INTEREST DOCUMENT

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12/07/2021

e-EOI Ref No.: 2021_HLL_82134

15/ 07/2021

Sub: EMPANELMENT OF INTELLECTUAL PROPERTY LAW FIRMS

1. HLL Lifecare Limited (HLL)) is a Mini Ratna Government of India Enterprise, under the Ministry of Health & Family Welfare, originally established in 1966 to manufacture and supply condoms to Family Planning Program of Government of India. We are the major suppliers of condoms and other contraceptive products including IUD's, tubal rings, and Oral contraceptive Pills for the Government of India – National Family Programs. We are also one of the major players in the commercial market in India, and our flagship brand MOODS Condoms is the second largest in the Indian commercial Market. We are also one of the largest producers of Blood collection bags in the country. We are also suppliers to UNFPA and other global procurement agencies.

Over the last 2 decades, HLL has transformed – from a Condom company to a Healthcare delivery company. HLL diversified into other areas in healthcare including hospital products, pharmaceuticals, hospital infrastructure management, procurement consultancy, pharma retailing, vaccines and diagnostic services.

At present HLL has 8 state-of-the art manufacturing facilities spread across India. HLL also has 5 subsidiary / associate organizations - HLL Infratech Services

Limited (HITES) for hospital infrastructure development, Hindustan Latex Family Planning Promotion Trust (HLFPPT), a not-for-profit trust engaged in Social Marketing, Life Spring Hospitals for maternity care, Goa Antibiotics and Pharmaceuticals Limited (GAPL) and HLL Management Academy (HMA).

2. Accordingly, HLL invites NOTICE INVITING e-EOI FOR EMPANELMENT OF INTELLECTUAL PROPERTY LAW FIRMS DEALING IN AND PROSECUTION OF INTELLECTUAL PROPERTY. The selection and empanelment of the IP law firm will be based on an internal evaluation process. HLL reserves the right to shortlist firms at any point of assessment of their credentials for the empanelment. The EOI does not constitute and will not be deemed to constitute any commitment on the part of HLL for the empanelment. HLL 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.
3. The interested parties, meeting the eligibility criteria may upload their details online.
4. Price bids (case wise on need basis) shall be sent only to those empanelled firms.
5. Bidders may download the NOTICE INVITING e-EOI document from the websites www.lifecarehll.com or www.gem.gov.in or www.etenders.gov.in/eprocure/app and submit their documents.

Other useful details in this NOTICE INVITING e-EOI are indicated below:-

Sl.	Description	Schedule
1	Closing date & time for submission of online bids	09-08-2021, 15:00 hrs IST
2	Time and date of opening of bids	10-08-2021, 15:30hrs IST

7. **The Bids shall be submitted online only**, as mentioned below:

- (i) Commercial Bid (Consisting of documents fulfilling eligibility criteria & Commercial Conditions). Bidders may name the files indicating the nature of content in pdf format which would be required to be attached in EOI.

DO NOT'S

Bidders are requested **NOT** to submit the hard copy of the EOI documents. In case any document is submitted in physical form (hard copy), the document shall be straightaway rejected.

Note:

It is the responsibility of tenderer to go through the NOTICE INVITING e-EOI Document to ensure furnishing all required documents in addition to above, if any. Any deviation would result in REJECTION and would not be considered at a later stage at any cost by HLL.

8. In case of any queries, all prospective Bidders may send their queries, if any on the email id: legal@lifecarehll.com, within 2 weeks from publishing this NOTICE INVITING e-EOI. Any query received after the scheduled time shall not be considered.
9. In the event of any of the above mentioned dates being declared as a holiday in the organisation, the next working day will be considered as per prescribed venue & time.
10. There is NO PROVISION for uploading EOI beyond stipulated date & time in the e-tendering system. HLL reserves the right to accept or reject all/or any of the tenders in full or part without assigning any reason thereof.
11. Amendments, if any, to the NOTICE INVITING e-EOI will be published only in the website www.lifecarehll.com.

12. **SPECIFIC Instructions for e-EOI Participation:-**

- i. Bidders should have valid Class 3 Digital Signature Certificate with encryption.

- ii. The prospective Bidders have to register with the E-procurement system of HLL at <https://etenders.gov.in/eprocure/app>. On completion of the registration process, the Bidders will be provided user ID and password within 7 working days. In order to submit the bids electronically Bidders are required to have a valid Class 3 Digital Signature Certificate (signing and encryption/ decryption certificates).
- iii. Bidders are requested to register for issuance of User ID and Password well in advance in order to avoid last minute rush. The process normally takes 03 days' time.
- iv. Post receipt of User ID & Password, Bidders can log on for downloading & uploading EOI document.
- v. Tenderer may download the EOI document from the web site www.lifecarehll.com or www.gem.gov.in or [www.etenders.gov.in/eprocure/app](https://etenders.gov.in/eprocure/app).
- vi. The submission of online documents can only be done through <https://etenders.gov.in/eprocure/app>.
- vii. This NOTICE INVITING EOI is an e-EOI and is being published online in Government eProcurement portal, <https://etenders.gov.in/eprocure/app>
- viii. Bidders shall ensure that their submissions are complete in all respects and are to be submitted **online through e-procurement portal (as described above). No DEVIATION is acceptable.**
- ix. A person signing (manually or digitally) the EOI form or any documents forming part of the contract on behalf of another shall be deemed to warrantee that he has authority to bind such other persons and if, on enquiry, it appears that the persons so signing had no authority to do so, the purchaser may, without prejudice to other civil and criminal remedies, cancel the contract and hold the signatory liable for all cost and damages.
- x. All the necessary documents as prescribed in the NOTICE INVITING e-EOI document shall be prepared and scanned in different files (in PDF format as prescribed) and uploaded for on-line submission of tender/bid.
- xi. Documents should be uploaded **online only** in the prescribed format given in the website. No other mode of submission shall be acceptable.

- xii. The prospective Bidders may **scan the documents in low resolution (75 to 100 DPI)** instead of 200 DPI. The documents may be scanned for further lower resolution (if possible). This would reduce the size of the Cover and would be uploaded faster. The tenderer should however ensure the clarity and legibility of the text.
- xiii. The Individual file size of uploading is restricted to 3 MB. Bidders may upload multiple files (Not exceeding 3 MB individually) & relevant file name indicating the contents.

Company Secretary
HLL Lifecare Ltd.
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Kerala, India

SECTION-1

**DETAILED SCOPE OF WORK
AND
TERMS & CONDITIONS**

I. Scope of Work:

1. Intellectual property (IP) Management including Drafting, filing, prosecution, opposition and maintenance of Intellectual Property in India and Abroad.
2. Patent Searches such as Patentability search, Freedom to Operate (FTO), patent landscape, Invalidity / validity & State-of-the-Art Search.
3. Aspects such as opposition, revocation & restoration of IP & any other proceeding under the relevant IP Act & other IP management matters in India and Abroad.
4. Handling foreign patent application for filing/IP securing.
5. Representing before the Appellate Board in India, miscellaneous actions under the relevant IP Act, etc.
6. Securing registration and maintenance of copyright, design, trademark and layout design, Plant Varieties and Others.
7. Handling IP infringement cases
8. Interaction with inventors

II. Eligibility Criteria: The IP law firms willing to be empanelled for these tasks shall fulfil the following criteria & shall provide satisfactory proof regarding the same:

1. Should be an Indian firm.

2. Should have minimum five (5) years of existence as an Indian entity.
3. Should be of good standing have an experience of at least five (5) years, servicing clients based in India and abroad.
4. Should possess professional expertise in handling all forms of intellectual property protection measures viz., patents, industrial designs, trademarks, copyrights, plant varieties and geographical indications.
5. Must have the requisite infrastructure and in-house capability.
6. Should not have been blacklisted by Central / any State Government / Public Sector Undertaking, Govt. of India.
7. Should not be involved in any major litigation that may have an impact of affecting or compromising the delivery of services.
8. Should agree that if empanelled by HLL, then the firm will enter in to a 'Confidentiality and Non-Disclosure Agreement' with HLL for maintaining strict secrecy and confidentiality about information shared by HLL .
9. Should agree that if empanelled by HLL, then the firm shall provide quality services within reasonable time frames. However, if at any point of time it is found that the services are not satisfactory and there is any delay in the services, HLL shall have right to terminate their empanelment.
10. Should agree that if empanelled and work / services awarded by HLL, then the firm after providing the services shall submit their bills (separately for the professional services rendered and for reimbursement of Statutory Fees paid) to HLL for release of payment indicating the details as per the Schedule of Services.

III. Profile and Business Competencies of the IP law Firms

The bidder shall furnish attested copy of the below mentioned documents:

1. Full Name of IP law firm, web address, email id, contact number, etc.
2. Complete address of the main office and all branch offices across the country along with telephone numbers and email addresses of the firm.
3. Registration certificate issued to the IP law firm.
5. Legal status of the IP firm (attach attested copies of original document)
6. Particulars of registrations/certifications if any with various government/nongovernmental bodies.
7. Particulars of the membership/partnership, if any
8. Articles and memorandum of association (if any) of the IP law firm
9. Partnership agreement between the firm and its partner(s) clearly highlighting the scope of work for each
10. Details of PAN (Permanent Account Number) of IP Firm, GST Number (Tax deduction and Collection Account Number) and other Important Registration numbers may also be provided
11. Balance sheet for last three (3) financial years duly signed/certified by Chartered Accountant.
12. List of Clientele with complete list of all the assignments (Individual Inventors / Government / Private) handled by the IP law firm during the last three (3) years.

13. Area(s) of Specialization: (Patents / Trademarks / Copyright / Designs / Geographical Indications / Litigation / Opposition / Contracts / Other IP related activities)

14. Number of professionals (Partners/Associates) presently employed with the firm for patent related IP work in various fields and their profiles.

Sl no.	Name of the Professional	Qualification	Area of expertise	Experience (No. of years)	Number of cases held (Specify whether it is for Copyright, Trademark OR Patent OR Any other IP form, Litigation/ Opposition)

15. Any other important information

IV. OTHER TERMS AND CONDITIONS

The empanelled IP firms should comply the following terms & conditions, if they are assigned with any IPR registration details:

1. The IP firms should sent reminders to the concerned officials of HLL through email atleast three (3) month prior to the expiry of IPR renewal .
2. The panel shall be valid for a period of five (5) years and the performance of the empanelled IP firms shall be subject to review on yearly basis and if the performance of any attorney / IP firm is found unsatisfactory, the attorney / IP firm may be deleted from the panel of IP firms without any notice thereof.
3. The empanelment does not provide any commitment from HLL to the empanelled IP law firms that any work would be assigned to them during the empanelled period.

4. The fee structure in a prescribed format shall be obtained by HLL for case-to-case basis and the IP firms should submit their fee structure within 2 days of request from HLL or within the specified days and time mentioned by HLL.
5. No retainer fee shall be paid to any IP firm merely because such firm has been empanelled.
6. Should comply and agree with all the conditions / points / clauses / details mentioned in this NOTICE INVITING e-EOI including annexures, if any.
7. Any dispute and or difference arising out of or relating to this contract will be resolved through joint discussion by the authorized representatives of both the parties. However, if the disputes are not resolved by joint discussions, then the matter will be referred for adjudication to a sole Arbitrator as per the Arbitration and Conciliation Act 1996 as amended from time to time and rules formed there under. The proceedings of arbitration shall be in English language. The arbitration award shall be final and binding among the Parties. The venue for arbitration proceedings shall be at Thiruvananthapuram.
8. Subject to clause 7 above, all the disputes will be settled within the jurisdiction of courts at Thiruvananthapuram only.
9. It is the responsibility of bidder to go through the NOTICE INVITING e-EOI to ensure furnishing all required documents in addition to above, if any.
10. Submission of bid or meeting the eligibility criteria as an IP law firm does not entitle them for empanelment or award of contract, HLL reserves it right to reject any application / EOI received for empanelment of IP law firms without assigning any reason. Moreover, HLL have the full right to continue with / appoint any agencies / IP law firms other than from the empanelled list and are not claimable. The empanelment of any IP law firms does not give any assurance / commitment to engage their service during the empanelled period by HLL.

11. The empanelment shall be valid for five (5) years and may further extend upon mutually agreed terms and conditions.
12. The IP law Firm **should be willing to undertake IP registrations in India and any country assigned by HLL.**
13. HLL reserves the right to assign only a particular location or particular assignment to the firm in panel.

SECTION-5

Termination clause

1) The IP law firm may (on discretion of HLL) be terminated from empanelment present and /or in future, for the following reasons:

- a. If the empanelment is obtained on the basis of false information/ mis-statement.
- b. If the terms& conditions of empanelled letter is not complied with.
- c. If the documents shared / handed over by HLL has been shared to other IP- firms / others without prior written permission of HLL.
- d. If attorney- client privileges are not abided with.
- e. If the IP law firm fails to maintain/honor confidentiality and secrecy of HLL's data, statement and any other information.
- f. If the IP law firm does not act as per HLL's specific instructions repeatedly.

Empanelment shall be liable to be cancelled consequent upon occurring of any or all of the above said conditions/events.

DECLARATION

1. I/We hereby certify that all the statements made and information provided is true and correct.
2. I/We have furnished all information as required in the NOTICE INVITING e-EOI No. HLL/CHO/CS/Empl-IP/2021-22 dated 12-07-2021 which is necessary for EOI and have no further pertinent information to supply.
3. I/We hereby agree to abide all the terms and condition of the NOTICE INVITING e-EOI No. HLL/CHO/CS/Empl-IP/2021-22 dated 12-07-2021.

Signature(s) of Applicant(s)

Seal of Firm Address:

No. of Enclosures:

Signature & Seal