

## TEA BOARD OF INDIA, KOLKATA

Ref: Law/Fees/Advocate/07/2010

Dated: 02.12.2014

### NOTICE

#### Empanelment of Law Firms

The Tea Board of India, a statutory body under Deptt. Of Commerce, Govt. of India, intends to empanel law Firms for protection of Board's Intellectual Property Rights in India and in other jurisdictions. Interested Law Firms may send their willingness in the prescribed Proforma latest by **24<sup>th</sup> December, 2014** to the Secretary, Tea Board of India, 14, B.T.M. Sarani, Kolkata-700001. The details of the terms and conditions for engagement of Law Firms are contained in the notice dated 02.12.2014 published in the website of the Board- [www.teaboard.gov.in](http://www.teaboard.gov.in).

By Order  
Secretary (I/C)

# TEA BOARD OF INDIA, KOLKATA

Ref: Law/Fees/Advocate/07/2010

Dated: 02.12.2014

## NOTICE

### Empanelment of Law Firms

The Tea Board of India, a statutory body under Deptt. Of Commerce, Govt. of India, intends to empanel law Firms for protection of Board's Intellectual Property Rights in India and in other jurisdictions other than India. Interested Law Firms may send their willingness in the prescribed Proforma. The details of the terms and conditions of the engagement of Law Firms are as under:

1. **Scope:** The Board has registered the word and logo marks of teas known for their origin under various statutes in India and abroad. The registered marks of Tea Board are Darjeeling, Assam, Assam Orthodox, Nilgiri, Nilgiri Orthodox, Dooars Terai and India Tea Logo. In order to prevent attempted registration of such marks which are similar or deceptively similar to such marks owned by the Board, both in India and abroad the Board intends to empanel Law Firms which can be assigned this job in toto or individually for each mark.
2. The number of empanelments shall be not more than three.
3. **Tenure of the Empanelment:** The initial tenure of the empanelment shall be for three years which can be extended for another two years. However, the Authority of the Board reserves the right to terminate the empanelment of any Law Firms at any time.
4. **Eligibility of Empanelment:**
  - a) The Law Firms should possess adequate experiences in handling cases pertaining to Trade mark, Copy Right, Geographical Indication in different Trade Mark Registry, Tribunal, High Court and Supreme Court of India and should be well versed with relevant laws on such subjects
  - b) The Law Firms should have such arrangement with Firms /Advocates outside India to oppose and protect and enforce the Intellectual Property Right of the Board outside India

- c) The Partners of the Law Firms/Advocates working with the Law Firms should have minimum professional experiences as under:-
- i. Ten years of practice in India in Trade Mark and other related laws pertaining to Intellectual Property Rights.
  - ii. Well versed with Intellectual Property Laws of USA, European Union, Russia, China, South East Asia and WTO.

However, the authority reserves the right to relax the eligibility conditions in deserving cases.

**5. Fees and other conditions:**

Law Firms should indicate the fees for the different professional services which shall be valid during the tenure of their engagement as per enclosed Annexure 'B'.

6. The empanelled law firms shall ensure that during their empanelment with Tea Board, there is no clash of interest with Tea Board vis-à-vis their other clients. The empanelled law firms shall not advise any party or any case against the Board in which it has appeared or is likely to be called upon to appear or give advice which is likely to lead to litigation against the Tea Board.
  - i. Effective hearing for the purpose of claiming appearance is a hearing in which one or both the parties involved in a case are heard by the Court. If the matter is called upon in its turn and the counsel is present to represent the Board and the Court /Tribunal/Registrar listen to the submission made by him or by other side or by both and if, thereafter the Court/Tribunal/Registrar adjourns the matter, that will be an effective hearing. If the case is mentioned and adjourned or only direction are given or only judgment is delivered by the Court/Tribunal/Registrar it would not constitute an effective hearing but will be termed as non-effective hearing.
7. The Board shall empanel the law firms based on the merit taking into account the past experience in dealing with IP laws relating to beverages, agricultural commodities and food items. The decision of the Board in this regard shall be final.
8. No retainer fees shall be paid to any law firm.

9. **Termination:** The Board may terminate the engagement by giving one month prior notice to the party.

10. **General :**

- i. The law firms will take necessary steps to protect the interest of the Board in matters entrusted to him from time to time.
- ii. The empanelment does not confer any right or claim that the law firms shall be entrusted to with the work by the Board.
- iii. Mere submission of Application and fulfilling of eligibility criteria does not entitle for empanelment.
- iv. Board reserves the right to verify/cross check the information furnished/submitted by the Law Firm.
- v. Board reserves the right to summarily reject the Applications for any of the reasons (i) not submitted in the prescribed format or (ii) do not meet any of the eligibility criteria or (iii) not accompanied with requisite documents/information or (iv) incomplete in any respect, without assigning any reasons therefore.
- vi. The Board may, at any time, at its discretion withdraw from the law firm any proceedings /matters/brief.
- vii. The law firm shall keep the Board informed regarding the development of the matter entrusted to him.
- viii. Unless the case is specially assigned, the law firms will not on its own receive summons/notices on behalf of Tea Board and even if any summons/notice is received and no VAKALATNAMA is given by the Board, law firms shall not otherwise deal with such cases and immediately inform the Board in this regard.
- ix. The law firms shall not use Tea Board's name/logo/symbol in his letter head/signboard/nameplate etc.
- x. In case of any misconduct, Tea Board will take appropriate action against law firm and law firm which includes filling complaint with bar counsel and recovery of financial loss caused to the Board due to the misconduct of the law firms. Here the word misconduct will have the same meaning as has been defined under Advocate Act, 1961.
- xi. In case of initiation of any disciplinary proceedings/criminal proceedings against the law firms, the Board may remove such law

firm from the panel without waiting for conclusion of such proceedings.

- xii. The size of the panel will be decided by the Board from time to time based on the quantum of work. Refusal of any law firm to accept any work otherwise on the ground of conflict of interest may entitle removal of such law firm from the panels
- xiii. No empanelled law firms shall contest any case against the Board during the empanelment. The empanelled law firm shall not delegate the case to any other advocate or law firm, except such matters which are outside India.
- xiv. Empanelled advocate shall not be treated as employees of the Board and therefore shall not be eligible for any benefit available to its employees.
- xv. The empanelled law firm shall maintain absolute secrecy and confidentiality about the cases of the Board entrusted to it.
- xvi. The Board reserves the right to engage any other law firms/advocates or Government Law Officers for any case.
- xvii. The empanelment of the law firm shall be at the sole discretion of the Board and no person shall have any claim for being empanelled.
- xviii. All payments shall be made in INR and shall be subject to prevailing laws/rules.
- xix. No interest shall be paid for any delayed payment.
- xx. The interested law firms may submit their willingness in Proforma as **Annexure – 'A'** and quote their profession fees in **Annexure -'B'**.

Notwithstanding anything stated herein above, the Board reserves its rights not to empanel any law firms even on fulfilling of eligible criteria or postpone or cancel the process of empanelment without assigning any reasons in this regard.

By Order  
Secretary (I/C)

**Format for Bio-data for Law Firm**

1. Name of the Firm
2. Date of Registration of the Firm :
3. Details of Experience :
4. Area of Practice :
5. Specialization if any in IPR :
6. Details of important cases the firm has dealt with or handled
7. Details reported judgment if any :
8. Brief list of clients :
9. Details of Advocates of the Firms along with year of practice, details of important cases handled :
10. Income-Tax PAN No :
11. Experiences in Intellectual Property Right matter along with a brief note on suitability for empanelment :

**DECLARATION**

We declare that we have never been penalized by any Bar Council in any disciplinary proceedings. We also under take to maintain absolute secrecy about the cases of the Tea Board.

Signature of the authorized representative of the Law Firm

Address (office & residence /Chamber)

Tel.No.....

Mobile No.....

Fax No.....

Email .....

