



खादी और ग्रामोद्योग आयोग
KHADI AND VILLAGE INDUSTRIES COMMISSION
सुक्ष्म, लघु एवं मध्यम उद्यम मंत्रालय, भारत सरकार
Ministry of Micro, Small & Medium Enterprise, Govt. of India

No.LA/Emp.TM Consultant /2019-20

Date : 8th July, 2019

Empanelment of Trade Mark Consultants
For
Khadi and Village Industries Commission(KVIC)

Applications are invited from Law Firms/Trade Mark Consultant Firms having an Office in Mumbai and / or New Delhi and having five years of experience in handling Trade Mark related work for empanelment in the Panel of Trade Mark Consultants of KVIC. The details of the KVIC Panel of Trade Mark Consultants and Trade Mark Consultants Fee Scheme, 2019, governing the empanelment, including application form can be downloaded from KVIC website www.kvic.gov.in.

The last date for submission of application is 13th August, 2019. Applications received after the closing date will not be entertained. Application should be submitted in a sealed envelope superscribing as "Application for Empanelment of Trade Mark Consultants" addressed to Dy.Director I/c (Legal Affairs), Khadi and V.I. Commission, 3, Irla Road, Vile Parle(West), Mumbai-400 056. Scanned copy of the application along with all the enclosures may also be e-mailed to legalaaffairs.kvic@gov.in

Dy.Director I/c (Legal Affairs)



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STANDING ORDER NO.1763

The Khadi & Village Industries Commission as part of its function of protecting its Khadi Brand and Trade Mark is in the process of registering the Trade Mark Nationally and Internationally, apart from initiating action against persons unauthorizedly using the Trade Mark "Khadi".

With a view to handle the Trade Mark related issues of KVIC, it has been decided by the competent authority, in anticipation of approval of the Commission, to constitute a Panel of Trade Mark Consultants to KVIC and accordingly framed the Scheme for Empanelment of Trade Mark Consultants and Trade Mark Consultants Fee Scheme, 2019. The Scheme is enclosed with this Standing Order as Appendix-A.

This is issued with the approval of the competent authority.

Dy.Chief Executive Officer(L.A.)

1. All the State/Divisional Directors
2. All Zonal Dy. CEOs of KVIC.
3. All Industry/Programme Directors in the Central Office, KVIC, Mumbai-56.
4. Director (Publicity) with a request to publish this Standing Order in the ensuing issue of "Jagriti".
5. Hindi Officer, Hindi Cell, KVIC, Mumbai-56 with a request to issue Hindi version of this Standing Order.
6. Director (I.T.), KVIC, Mumbai-56 with a request to include the Circular in the Website

APPENDIX-A

KHADI AND VILLAGE INDUSTRIES COMMISSION **3, IRLA ROAD, VILE PARLE (WEST), MUMBAI-56**

KHADI AND VILLAGE INDUSTRIES COMMISSION **PANEL OF TRADE MARK CONSULTANTS AND TRADE MARK** **CONSULTANTS FEES SCHEME, 2019**

1) **Short title, extent and commencement**

- (i) This scheme may be called the Khadi and Village Industries Commission (Panel of Trade Mark Consultants and Trade Mark Consultants Fees) Scheme, 2019;
- (ii) This scheme shall apply to the Central Office of Khadi & Village Industries Commission (KVIC) in Mumbai;
- (iii) All the provisions of this scheme shall come into force w.e.f. 01.06.2019.

2) **Constitution of the Panel**

- (i) There shall be constituted a panel of Trade Mark Consultants in the Central Office of the KVIC for attending the matters relating to Trade Mark registration and matter thereof;
- (ii) The panel shall consist of not more than 5 (five) Consultants. However, considering the exigencies of work, the number of Consultants on any Panel may be extended with the approval of the Chief Executive Officer of the KVIC.

3) **Eligibility**

- (i) Only Law Firm/ Trade Mark Consultant firms having an office in Mumbai and/or New Delhi are eligible to apply for empanelment;
- (ii) For being eligible to be enrolled on a panel, Consultant firm shall have **at least five years** standing experience of handling the Trade Mark related works. For the purpose of calculating the total number of years of experience, the experience possessed by the main partner shall be taken into account. The mere fact of having five years of experience does not confer any

right on a Consultant Firm to get enrollment in the panel. The KVIC reserves the right to accept or reject any application considering the merit of the **case and/or without assigning any reason.**

- (iii) The Consultant Firm/s should have adequate tie up arrangements with Foreign Trade Mark Consultancy Firms in major countries of the world for undertaking the International Trade mark matters (proof for the same should be furnished);
- (iv) The Consultant Firm/s already dealing with the Trade Mark related matters of KVIC are also entitled to apply, irrespective of the fact whether they are having an office in Mumbai or not, subject to fulfillment of other conditions .

4) **Mode of enrollment**

- (i) Enrollment of Consultants on the panel shall be made by the Central Office by inviting applications from the Consultants / Trade Mark Consultancy Firms possessing the requisite qualification and experience for selecting suitable Consultants from amongst the applicants on merit;
- (ii) An advertisement inviting applications shall be published in one or two local News Papers having wide circulation in Mumbai and also by publishing the same in the KVIC website. The format of application is annexed hereto as **Form-I**;
- (iii) With a view to ensuring that competent Consultants are included in the panel, the Consultants applying for enrolment may furnish the references of two or more eminent personalities in the field of law / Trade Mark with whom the KVIC can make enquiry about the applicant, if needed;
- (iv) The applications received in the Central Office of the KVIC in Mumbai shall be finalized on merit by a Committee headed by the Joint Chief Executive Officer of the KVIC, comprising of the following members :
 - (1) Dy.Chief Executive Officer (Legal Affairs)
 - (2) Director (Legal Affairs)
 - (3) Director (Administration)
 - (4) Dy.Registrar, Patent Office, Mumbai or his nominee

5) **Tenure of the Panel**

- (i) Enrollment of a Consultant on Panel shall be for a term of three years, extendable by another two years at the discretion of the KVIC.
- (ii) In case, if the Chief Executive Officer, KVIC is of the view that any Consultant on panel has committed breach of any of the conditions laid down in Clause 6 of this scheme or that due to habitual lapses on the part of the Consultants to appear before any Trade Mark Authority, Court or Tribunal and as a result of which ex-parte decisions were given against the KVIC or if the Chief Executive Officer is of the opinion that the performance of the Consultant on any Panel is not satisfactory, the name of such Consultant may be excluded from the Panel by giving one month notice. The decision of the KVIC in this matter shall be final and binding on the Consultant.

6) **Terms and conditions of enrollment**

A Consultant who accepts enrollment on any panel shall be deemed to have undertaken to abide by the following conditions Viz.

- (i) During his term, he shall not appear in any proceedings before any Trade Mark Authority, Court or Tribunal against the KVIC.
- (ii) Every Consultant enrolled on panel shall be paid fee for attended Trade Mark related matters, as per the scale of fee mentioned in Schedule at **Annexure-I**. The Consultants on panel are not entitled for any retainer fee.
- (iii) Except on such grounds as the Chief Executive Officer of the KVIC finds to be reasonable, he shall not refuse to accept any Trade Mark related work on behalf of the KVIC when requested to do so.
- (iv) He shall submit to the Director (Legal Affairs) of the KVIC monthly status report in **Form-II** annexed hereto relating to the cases entrusted to him.
- (v) Any Consultant on panel can withdraw himself from the panel by giving one month's notice in writing to the Chief Executive Officer of the KVIC.

7) **Assignment of cases**

- (i) Upon constitution of panel of Consultants, KVIC shall, considering the nature of the cases, obtain opinion from the panel Consultant/s on its discretion, as and when required and make payment for such opinion as per the fee prescribed in the Schedule annexed hereto as **Annexure-I**.
- (ii) In case of attending proceedings before the Trade Mark Authorities on behalf of the KVIC, the KVIC shall, after considering the nature of the cases, assign the matters to the Consultants on Panel and also make payment as per the fee prescribed in the schedule.
- (iii) As regards the International Trade Mark related issues are concerned, KVIC shall furnish an opportunity to all the Consultants on panel to obtain fee quote from their counterparts /Foreign Attorneys and the matter will be entrusted to the Consultant who submits the lowest quote for the different related activities.
- (iv) In case, the Chief Executive Officer of KVIC is of the view that the matter is to be entrusted to any other Consultant outside the panel (for which the reasons to be recorded in writing and approval of the Chief Executive Officer is to be obtained), KVIC has the right to do so, but the payment of fee should be restricted to the amount prescribed in the Schedule.

8) **Method of payments to Consultant**

- (i) The Consultant on the panel shall submit his fee invoice in duplicate along with advance stamped receipt to the Director (Legal Affairs), in the manner specified in the Schedule of Fees;
- (ii) The payment of fee shall be made after the completion of each activity. However, the official fee for the activity may be released immediately on receipt of demand from the Consultant;
- (iii) If any pending proceedings are transferred from one Consultant to any other Consultant on panel, the fee payable to the Consultant to whom the proceedings are transferred shall be the

total amount mentioned in the Schedule as reduced by the amount already paid to the former Consultant;

- (iv) No separate fee shall be paid for vacating ex-parte decisions or status-quo orders of similar nature or for restoration of any matter, in case the matter is dismissed for non-appearance of the Consultant or any other lapses on his part.
- (v) On receipt of a bill from a Consultant on the Panel, the Director (L.A.) shall scrutinize and certify the claim and process the payment.

9. **T.A. & D.A.**

If any Consultant undertakes journey outside the headquarters (Mumbai) in connection with any matter referred to him by KVIC, he shall be entitled to claim reimbursement of the traveling expenditure incurred by him (both ways) as allowed to Dy. Director of KVIC.

10. **Provisions for enhancement of fee to the Consultants outside the Panel**

The Chief executive Officer may entrust any case to any Trade Mark Consultant outside the panel or to a firm in the following cases:-

- (i) If any case involves issues of utmost importance, prestige and serious financial implications, for having regard to the urgency and sensitive nature of the case, it is necessary to engage any Trade Mark Consultant from outside the panel, for which reasons to be recorded in writing;
- (ii) The remuneration to be paid to such Consultant for such cases may be determined with the approval of Financial Adviser and Chief Executive officer.

Encl.: Annexure-I, Form No.I & II

DY.CHIEF EXECUTIVE OFFICER(L.A.)

Annexure-I

SCHEDULE OF FEE

Sr. No.	Description	Fee prescribed (In Rs.)
1.	For conducting a personal search from the records of the Registry along with our opinion	2000
2.	For filing an application for registration of a trade mark: (a) Individual/startup/small enterprise (one class) (b) In all other cases (one class) (c) Subsequent application per class	5000 5000 3000
3.	For filing an application for registration of a series trade mark in one class of goods or services: (a) Individual/startup/small enterprise (one class) (b) In all other cases (one class) (c) Subsequent class (d) Additional mark same series (e) Subsequent class each additional mark	5000 5000 3000 5000 3000
4.	Application under collective mark (a) Individual/startup/small enterprise (one class) (b) In all other cases (one class) (c) Subsequent class	5000 5000 3000
5.	Application under certification mark (a) Individual/startup/small enterprise (one class) (b) In all other cases (one class) (c) Subsequent class	5000 5000 3000
6.	Reply to first Examination report Reply to each subsequent class same application	2000 1000
7.	For filing an amendment application-additional amendment	2000
8.	For filing a notice of opposition-subsequent class	5000 3500
9.	For filing a counterstatement	6000
10.	For filing evidence in support of opposition/application	7500
11.	For filing evidence in support of application for rectification/registration	5000
12.	For filing evidence in reply	5000

13.	For appearing at the hearing of showcause application matters where we are on record – (a) First class (b) subsequent class (c) hearing attended and adjourned (d) Mumbai (e) Outside Mumbai	2500 2500 7500 5000 7500
14.	For drafting, preparing & filing Affidavit in support of claim of use in proposed application/showcause hearing matters relating to pending application.	5000
15.	For appearing at the hearing of showcause application matters where we are not on record	2500
16.	For securing registration certificate of the mark	
17.	(a) For filing renewal application (b) Subsequent class (c) Renewal application with surcharge (d) Subsequent class (d) Renewal application with restoration (f) Subsequent class	3000 1500 3000 2000 3500 2500
18.	For filing an application to register a subsequent proprietor in case of assignment of a single trade mark	5000
19.	For filing an application for rectification of the Register or removal of a trade mark from the Register	5000
20.	For filing an application to register a registered user of a registered trade mark -Drafting user agreement (per user)	5000 5000
21.	For filing an application to change the name or description of a registered proprietor	3000
22.	For filing an application to alter an entry of the address of a registered proprietor	2000
23.	For filing an application to make an entry of an address for service in India of a registered proprietor or a registered user of a trade mark	2500
24.	For filing a request to obtain certificate from the Registrar for use in legal proceedings of a trade mark in one class	2500
25.	For filing a request to obtain an expedited certificate from the Registrar for use in legal proceedings of a trade mark in one class.	2500
26.	For filing an application seeking extension of time for a month	2000

	-In counterstatement	2000
27.	For filing an application seeking review of the Registrar's decision	10000
28.	Application seeking grounds of decision when Registrar refuses the application	2000
29.	For seeking duplicate registration certificate	2500
30.	Request to Registrar for notifying the particulars of journal were in the mark would be advertised	1500
31.	For filing Interlocutory Petition	5000
32.	Request for dissolution of association	2000
33.	Drafting, preparing and publishing (exclusive of publishing charges) Caution Notice	5000
34.	Issuance of Legal Notice in reply to legal notice	2500

Note : Official fee will be paid on actual basis.

FORM NO. I

FORMAT OF APPLICATION

**APPLICATION FOR ENROLMENT IN THE PANEL OF TRADE MARK
CONSULTANTS OF THE KHADI AND VILLAGE INDUSTRIES
COMMISSION**

1.	Name of the Consultant Firm in full	
2.	Date of formation of the Firm and Age and date of birth of the main partner	
3.	Address for communication (with telephone/mobile/fax no. and email address)	
4.	Educational Qualifications of the Partners and Associates	
5.	Registration number and date of registration with the Bar Council/Trade Mark Registry	
6.	GST Registration No.	
7.	PAN Card No.	
8.	No. of years of experience	
7.	No. of Trade Marks registered with details of clients	
8.	Name of the Trade Mark Registry in which mostly appearing	
9.	Details of major clients	
10.	Names and Addresses of the Foreign Associates with whom	

	the Consultant is having tie up arrangements for handling International Trade Mark matters.	
11	Names and addresses of two eminent personalities for reference	

Place:

Date:

Signature

Note: 1. For any other details attach separate sheet.

2. Self-attested documentary proof should be attached for the information provided under Sr.1 to 7

FORM NO.II

**Format of monthly report to be submitted by the
Panel Consultants.**

Monthly report for the month ending.....

Sr. No.	Details of the cases entrusted	Name of Trade Mark Registry where applications/ oppositions are filed	Nature of the cases	Interim order if any, passed	Present Status of the case	No. of cases finally decided	Remarks