

## FACT SHEET/ TERMS AND CONDITIONS: ADVISORY SERVICES

(Version: 4, November 2020)

### FEATURES

- Advisory services relating to:
  - Patents
  - Copyright
  - Trademarks
  - Designs
  - Geographical Indications
  - General Advisory on IPRs'
  - Other services
- Independent advice with best interest of MSME in mind
- Cost effective, one window services

### SERVICES

Service Code	Title	Includes	Status
PT 03	Patent > Preliminary Patentability assessment	<ul style="list-style-type: none"> <li>• Summary assessment for               <ul style="list-style-type: none"> <li>○ Patentability vis-a vis prior art (Novelty, inventive step, Industrial applicability)</li> <li>○ Patentability vis-a-vis law</li> <li>○ Only most relevant prior art is cited</li> <li>○ No detailed prior art search report</li> <li>○ Advice on overcoming patentability problems</li> </ul> </li> </ul>	OPERATIONAL
PT 03 A	Patent> Abridged Patentability assessment and FTO (India)	<ul style="list-style-type: none"> <li>• Quick patentability assessment for               <ul style="list-style-type: none"> <li>○ Patentability vis-a vis prior art (Novelty, inventive step, Industrial applicability)</li> <li>○ Only most relevant prior art is cited</li> <li>○ Freedom to Practise search for Indian territory</li> <li>○ Comments &amp; recommendations</li> <li>○ Available only for grant funding agencies</li> </ul> </li> </ul>	OPERATIONAL
PT 03B	Patent > Preliminary Due Diligence of Patent Family	<ul style="list-style-type: none"> <li>• Basic information of Patent family</li> <li>• Discussion on ownership related issues</li> <li>• Preliminary market search for a technology</li> <li>• Guidance on NBA &amp; natural product related issues</li> </ul>	OPERATIONAL
PT 04	Patent > Patent Filing Support (PROVISIONAL)	<ul style="list-style-type: none"> <li>• Guidance and assistance in drafting PROVISIONAL specification</li> <li>• Guidance and assistance in preparing relevant documents</li> </ul>	OPERATIONAL

	specification)	<ul style="list-style-type: none"> <li>Patent to be filed and tracked by the applicant himself</li> </ul>	
<b>PT 05</b>	<b>Patent &gt;</b> Patent Filing Support (COMPLETE specification)	<ul style="list-style-type: none"> <li>Guidance and assistance in drafting COMPLETE specification</li> <li>Guidance and assistance in preparing relevant documents</li> <li>Patent to be filed and tracked by the applicant himself</li> </ul>	OPERATIONAL
<b>PT 06</b>	<b>Patent &gt;</b> PCT Filing Support	<ul style="list-style-type: none"> <li>Advice on filing PCT applications</li> <li>Pros and cons, cost to expect, options to chose from</li> <li>Preparation of documents of PCT filing in India and International Bureau</li> <li>PCT application to be filed and tracked by the applicant himself</li> </ul>	OPERATIONAL
<b>PT 07</b>	<b>Patent &gt;</b> Advice and referrals for filing in other countries	<ul style="list-style-type: none"> <li>Planning for foreign filings</li> <li>Strategizing time to enter other countries</li> <li>Optimizing costs</li> <li>Referrals to foreign patent agents</li> </ul>	OPERATIONAL
<b>PT 08</b>	<b>Patent &gt;</b> Advice on examination reports and queries for the patent office	<ul style="list-style-type: none"> <li>Advice on understanding the examination report and nomenclature used</li> <li>Strategy for replying to the examination reports</li> <li>Advice in creating necessary documents</li> </ul>	OPERATIONAL
<b>PT 09</b>	<b>Patent &gt;</b> Post Grant Support	<ul style="list-style-type: none"> <li>Advice on payment of maintenance fees, lapsing of patents and restoration of lapsed patents</li> <li>Maintenance strategy</li> <li>Support for preparation of necessary documents</li> </ul>	OPERATIONAL
<b>PT 10</b>	<b>Patent &gt;</b> Patent support for infringement proceedings, opposition proceedings etc.	<ul style="list-style-type: none"> <li>Advice on initiating or defending post grant oppositions</li> <li>Advice on infringement proceedings</li> <li>Support for preparation of necessary documents</li> </ul>	OPERATIONAL
<b>PT 11</b>	<b>Patent &gt;</b> Tech Transfer Agreements	<ul style="list-style-type: none"> <li>Advice and support regarding technology transfer and licensing agreements</li> <li>Does not include valuation of patent or negotiations</li> </ul>	Now part of Techex.in (for more info please visit: <a href="http://www.techex.in/">http://www.techex.in/</a> )
<b>PT 12</b>	<b>Patent &gt;</b> Valuation	<ul style="list-style-type: none"> <li>Advice and support regarding technology transfer and licensing agreements</li> <li>Subject to availability of market data</li> </ul>	Now part of Techex.in (for more info please visit: <a href="http://www.techex.in/">http://www.techex.in/</a> )
<b>PT 13</b>	<b>Patent &gt;</b> Technology	<ul style="list-style-type: none"> <li>Assistance in creating marketing documents</li> </ul>	Now part of Techex.in (for more info please

	marketing and licensing	<ul style="list-style-type: none"> <li>Assistance in identifying potential buyers</li> <li>Assistance in Tech transfer discussions/negotiations</li> <li>Assistance in finalization of tech transfer agreement</li> </ul>	visit: <a href="http://www.techex.in/">http://www.techex.in/</a>
<b>PT 14</b>	<b>Patent &gt;</b> Freedom to operate report/country or region	<ul style="list-style-type: none"> <li>Summary report on Freedom to Operate in a particular country</li> </ul>	OPERATIONAL
<b>PT 15A</b>	<b>Patent&gt;</b> Decision Support for filing strategy	<ul style="list-style-type: none"> <li>Attractiveness report</li> <li>Advice on filing Provisional or Complete</li> <li>Advice on filing PCT or convention application</li> <li>Advice on Timelines and cost involved</li> </ul>	OPERATIONAL
<b>PT 15B</b>	<b>Patent&gt;</b> Decision Support for Maintenance and Lapse	<ul style="list-style-type: none"> <li>Advice on maintenance of patents</li> <li>Advice on renewal strategies</li> </ul>	OPERATIONAL
<b>CR 01</b>	<b>Copyright &gt;</b> Registration and support	<ul style="list-style-type: none"> <li>Guidance and assistance in registration of copyright</li> <li>Assistance in preparation of documents required for registration</li> <li>Applicant to file and track the application himself</li> </ul>	OPERATIONAL
<b>TM 01</b>	<b>Trademark &gt;</b> Registration support	<ul style="list-style-type: none"> <li>Advice on procedures costs and Timelines</li> <li>Referrals to trademark agent</li> </ul>	OPERATIONAL
<b>ID 01</b>	<b>Industrial Designs &gt;</b> Registration support	<ul style="list-style-type: none"> <li>Advice on procedure costs and timelines</li> <li>Advice on potential for patenting if any</li> <li>Assistance in preparation of documents</li> <li>Applicant to file and track the application himself</li> </ul>	OPERATIONAL
<b>GN 01</b>	<b>General Advisory</b>	<ul style="list-style-type: none"> <li>Other categories of service not specifically covered in any of the above service codes</li> </ul>	OPERATIONAL
<b>GN 02</b>	<b>Other Services</b>	<ul style="list-style-type: none"> <li>Please inquire with IP FACE staff for any other services</li> </ul>	OPERATIONAL

• **ELIGIBILITY**

- The Advisory Services shall be available for MSME's/entrepreneurs/ventures related to science, technology, entrepreneurship, business/venture development, education and some related activities.
- The management of the IP FACE shall exercise judgment in making available the services requested.

- **PAYMENT TERMS**

- Introductory advisory for the first time and for half hour duration would be free.
- Advisory services will be charged either on task basis or on hourly payment basis depending upon the service requested. Hourly rate would be Rs. 1200 per hour subject to a minimum of Rs. 3000 for two hours.
- An estimate of charge on task basis or advisory hours would be given at the introductory free meeting.
- **The estimated payment is to be made in advance of each paid advisory engagement.** The duration of each engagement will be mutually agreed upon by IP FACE and Applicant and the corresponding payment shall be made in advance by the Applicant.
- Final payment would be invoiced at the time of end of the advisory service, which needs to be paid before completion and delivery of deliverables.
- Payment is acceptable by DD or cheque payable in Pune or at Par or could be deposited directly into the IP FACE's bank account.
- Any fees charged by the concerned Government office, authorities for any action required to be taken shall be in addition to the fees charged by the IP FACE.

- **TERMS**

- Applicant shall not (intentionally or otherwise) do anything to suggest that the IP FACE, NCL, Venture Center (VC) or MoSME Government of India as being party to the venture/activity for which IP FACE's advisory services were engaged.
- Applicant shall not hold IP FACE/Venture Center/NCL/MoSME responsible for any liabilities directly or indirectly related to IP FACE's advisory services, including any referrals provided by the IP FACE. Applicant acknowledges that IP FACE has no control whatsoever over the activities of any of the parties to which it provides referrals to, and thus shall not be held responsible for any issues, costs, damages, liabilities, etc. related to Applicant's engagement with those parties.
- Applicant shall defend indemnify and hold harmless IP FACE its members, directors, officers, employees, agents contractors and authorized representatives from all costs expenses including attorney's fees liabilities, obligations, damages and claims including any claims related to free and paid advisory services offered by the IP FACE.
- IP FACE does not offer any guarantees related to the effectiveness of its advisory services including, but not limited to, intellectual property analysis & protection. Applicant understands and accepts that IP FACE will offer its advisory services on a 'best effort' basis without any guarantees on the outcome of such advisory services.
- IP FACE does not guarantee any fund raising or financing from any source for prosecution of any patents or for prosecution for registration of other forms of IP.
- IP FACE will keep a record of the activities undertaken as part of an advisory engagement. These activities may include face-to-face meetings with the Applicant and/or analysis conducted by IP FACE staff without the Applicant's presence. In all cases, IP FACE will be the sole and final authority as to the duration (number of hours) spent on the paid advisory services.
- IP FACE retains the right to cancel existing paid advisory engagements with the Applicant at its sole discretion. In this case, the maximum refund liability for the IP FACE will be limited to the un-used amount paid by the Applicant for the cancelled advisory services.
- IP FACE may revise rates charged for advisory services at any point in time, at its sole discretion. This will not affect existing, signed advisory agreements, but will affect any future advisory engagements between the Applicant and IP FACE.
- IP FACE may engage third- party consultants or advisors as part of an advisory service agreement at its sole discretion. The costs of those will be borne by IP FACE alone.
- The terms and conditions of this agreement may be amended only by mutual consent and exchange of written letters and the amendments shall be applicable from the date of such amendments unless agreed to contrary.
- The parties shall endeavour to resolve any dispute relating to the advisory services offered by IP FACE firstly by mutual discussion and in the event of any persistent disagreement; the same shall be referred to for arbitration to arbitrator(s) to be appointed by IP FACE. The arbitration will be conducted by such arbitrator(s) in accordance with the provisions of Arbitration and Conciliation Act-1996.
- This Agreement and the parties' rights and obligations under it shall be governed by and interpreted in accordance with the laws of India. The jurisdiction will be courts of Mumbai.

• **PRICING**

Service code	Title of the service	Fees Rs.
PT 03	Patent> Patentability assessment following a focused prior art search	8000
PT 03A	Patent> Abridged Patentability assessment and FTO (India) (available only for grant funding agencies)	8000
PT 03B	Patent> Preliminary Due Diligence of Patent Family	8000
PT 04	Patent filing support (provisional specification)	20000
PT 05A	Patent filing Support (complete specification)	28000
PT 05B	Patent filing Support (complete specification after provisional specification) Applicable only if provisional is filed by IPFACE	8000
PT 06	Patent> PCT filing support	10000
PT 07	Patent> Advice and referrals for filing in other countries	1200 per hour; Min 3000
PT 08	Patent> Advice on examination reports and queries of the patent office	1200 per hour; Min 3000
PT 09	Patent> Post grant support	1200 per hour; Min 3000
PT 10	Patent> Support for infringement, opposition proceedings etc.	10000
PT 11	Patent> Technology transfer agreements	Now part of Techex.in (for more info please visit: <a href="http://www.techex.in/">http://www.techex.in/</a> )
PT 12	Patent> Valuation	Now part of Techex.in (for more info please visit: <a href="http://www.techex.in/">http://www.techex.in/</a> )
PT 13A	Assistance in creating marketing documents and patent assignment draft for Technology Transfer	Now part of Techex.in (for more info please visit: <a href="http://www.techex.in/">http://www.techex.in/</a> )
PT 13B	Marketing campaign, identification of potential buyers for Technology Transfer	Now part of Techex.in (for more info please visit: <a href="http://www.techex.in/">http://www.techex.in/</a> )
PT 13C	Tech transfer discussions/ negotiations, finalization of tech transfer agreement	Now part of Techex.in (for more info please visit: <a href="http://www.techex.in/">http://www.techex.in/</a> )
PT 14	Freedom to operate report/country or region	7000
PT 15A	Decision Support for filing strategy	7000
PT 15B	Decision support for Maintenance and Lapse	4000
CR 01	Copyright> Registration and support	2000
TM 01	Trademark> Registration support (unlimited number of classes)	6000
ID 01	Industrial Designs> Registration support	5000
GN 01	General Advisory>	1200 per hour; Min 3000
GN 02	Other Services> Customized report generation	20000



• **DISCOUNTS**

• Company is a Current Resident of Venture Center, OR Company is a Portfolio company of Venture Center	30%
• IPFACE Member	As per current membership terms
• For applying services TM01 /CR01/ ID01 worth INR 20,000 and above at a time	15%

Note: 1) Service tax and other taxes applicable at the prevailing rate shall in addition to the above.

2) Only one discount will be applicable at a time

3) Travel expenses towards filing and other related services at Mumbai patent & Trademark office has to bear by the applicant.

\* All the charges mentioned herein above in Pricing Table are applicable for services to individuals, entrepreneurs, micro, small and medium enterprises as defined by govt. of India wherein 50% or more ownership is held by Indian Nationals or companies incorporated in India. In other cases (Large and Foreign companies) rates will be double the amount stated therein.

Applicant has read and understood all of the above terms and conditions pertaining to the advisory services offered by IP FACE, and agrees to abide by the same.

For and on behalf of IPFACE

For Applicant

Authorized Signatory

Authorized Signatory

Seal

Seal

Witnesses:

Witnesses:

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1 \_\_\_\_\_

2 \_\_\_\_\_

2 \_\_\_\_\_