

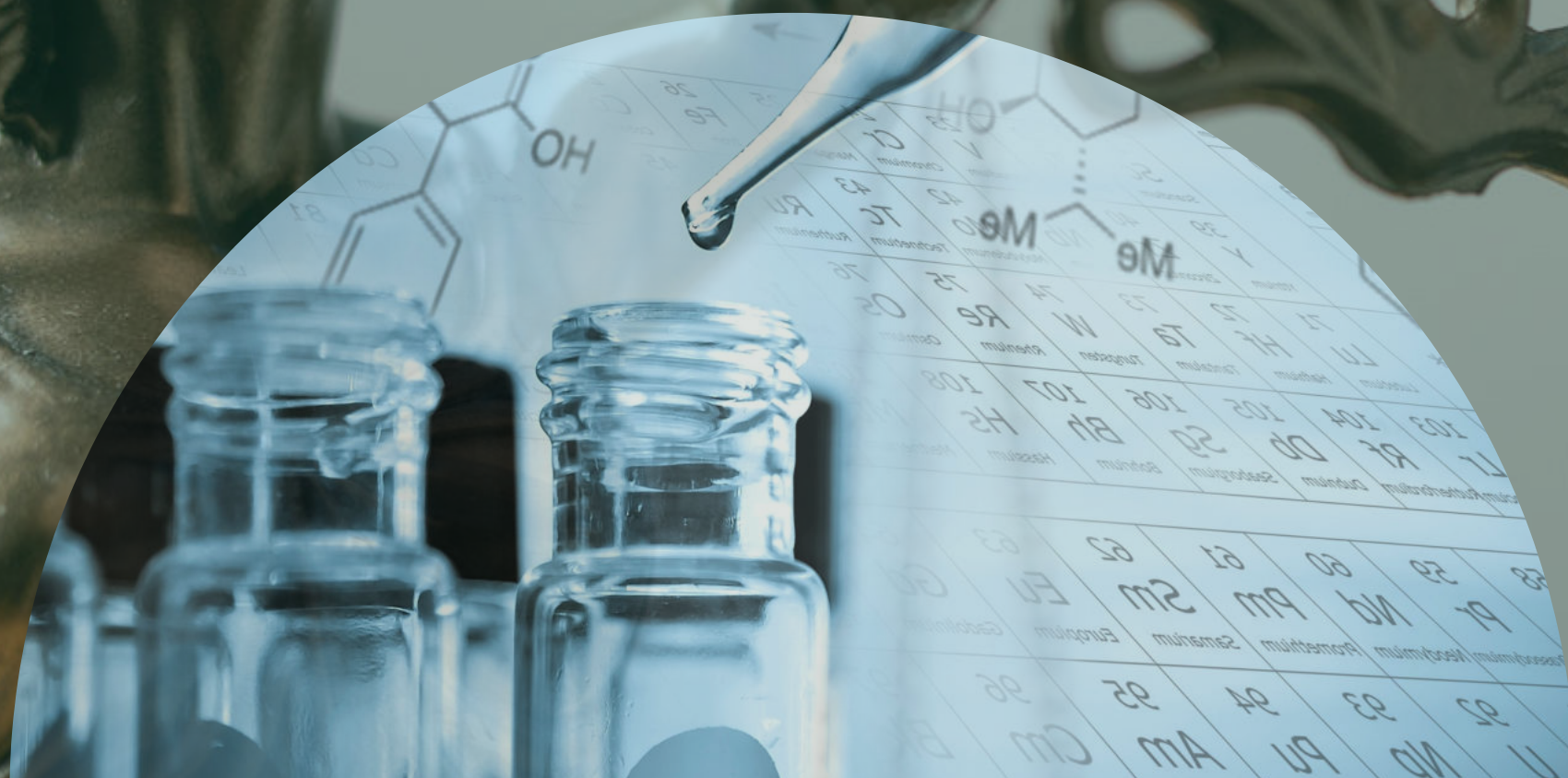


BISHOP COTTON WOMEN'S CHRISTIAN LAW COLLEGE, BENGALURU

Affiliated to Karnataka State Law University, Hubballi,
Recognized by Bar Council of India, New Delhi
Managed by Karnataka Central Diocese of the Church of South India
#19, III Cross, C.S.I. Compound, Mission Road, Bengaluru
Under the aegis of IQAC

8th NATIONAL MOOT COURT COMPETITION

Intellectual Property Rights



Date: 7th-9th July, 2023

"Prudentia Conscentia Ingenium Occursus"
(WISDOM, KNOWLEDGE AND TALENT MEET)

EMPOWER WOMEN - EMPOWER INDIA
NEC DEXTORSUM NEC SINISTRORSUM

Est. 2002

www.bcwclc.edu.in

ABOUT BISHOP COTTON WOMEN'S CHRISTIAN LAW COLLEGE

Bishop Cotton Women's Christian Law College is one of the prestigious Institutions of Law/Legal Education in India offering five year integrated undergraduate B.B.A., LL.B. (5 years) and LL.B. (3 years) degree programme in Law and has grown enormously over the past 21 years. Bishop Cotton Women's Christian Law College is the only Law College in Karnataka imparting legal education exclusively for women to instill the values of the cause of women more in the minds of young girls and to empower them. This exclusive institution for legal education was inaugurated on 14th July 2002. The College is recognized by the Government of Karnataka approved by the Bar Council of India and is affiliated to the Karnataka State Law University, Hubballi. The College is managed by the Board of Management of Karnataka Central Diocese, Church of South India. In keeping with the cultural heritage, students in this college are instilled with human values through various programmes conducted in Bishop Cotton Women's Christian Law College. Students are trained to work hard, stick to discipline, aim to achieve the highest and march on to conquer the whole world as good leaders.

Bishop Cotton Women's Christian Law College is the right place for those who aspire for a versatile experience, wide knowledge and good scholarship. Bishop Cotton Women's Christian Law College has been steering the wheel in the direction of success empowering young women to soar to greater heights into the space of progress. Young girls step into the College with dreams, ideas, and aspirations. They are nurtured and nourished in the womb of this Institution. Currently the College has about 280 students on its roles. Our students are blessed with talent and skill in abundance, with brilliance brewing in their lives. They are chiseled to fine shape to be models of change through the flames that light the torch of justice. Our efforts are always coupled with positive convictions as we brave the challenges that face us. As we march into our 21st year of excellence, we welcome all to be a part of our journey in paving the way for excellence. The institution is committed to providing the best nurturing environment for our students to learn, grow and strive towards achieving their goals. To achieve and fulfil its vision and mission the College has established various Committees, Clubs & Cells like the Student Welfare Committee, Legal Services Clinic, Moot Court Club, National Service Scheme, Mediation Cell, Human Rights Cell, Anti-Ragging Cell, Girl Student Grievance Redressal Cell, Youth Red Cross Cell, Fine Arts Club, Environmental Club, Social Service Club, Kannada Club, and Deborah Club. The College organizes various events like International and National Conferences, Seminars, Workshops, Moot Court Competitions, Lecture series and the Cultural, Legal, & Management Fest (INTEGRATO), which help in developing the curricular and co-curricular activities thus enhancing the quality of education.



Mission Statement

1. Venturing to make a difference in the legal fraternity and the society at large.
2. Addressing the social issues to bring a change in the society and to empower women.
3. Imparting knowledge and values in depth to be the standard and excellent citizens.

Vision Statement

1. To sensitize the students to be a change in the legal fraternity and uphold justice in all circumstances.
2. To endeavor for the holistic betterment of the women and children, needy and the community at large.
3. To practice and uphold the values of integrity, commitment and all virtues and attempt great things for God expecting nothing.

About Moot Court Club

Bishop Cotton Women's Christian Law College has been a pioneer in grooming modern day legal professionals since its inception in 2002. The Moot Court Club of Bishop Cotton Women's Christian Law College has been active since the inception of the college. Moot Court Club is established with the idea of encouraging and facilitating students for Moot Court Competitions.

Our competition has been growing in prestige and quality with each passing year to uphold standards of excellence.

The Moot Court Club conducts Intra Moot Court Competition in the beginning of every academic year to screen the students for the panel which represents our college in various moots throughout the country. It inculcates in the students the important skills such as Research Methodology, Legal Drafting, Articulation of Arguments and the method of dealing with specific problems on legal principles. Students participate in various Moot Court Competitions by other Institutions all over the country and bring laurels to college.

The Moot Court Club of Bishop Cotton Women's Christian Law College has also organized moots in collaboration with Surana & Surana. The 8th National Moot Court Competition is the first offline Moot Court Competition hosted by our esteemed institution post COVID.



MOOT PROPOSITION

1. ULTRON, a pharmaceutical Giant in Bindia, whose headquarter is situated in Zumbai had developed a new drug called “VASONAX”. This was formulated to cure NASOPHARYNGEAL, which is a rare type of cancer that occurs in the upper part of the throat, commonly affecting children of the age group of 5 to 9.
2. The drug “VASONAX” was granted with patent rights on the 5th of January, 2007 which is set to expire shortly. The drug was tried on patients during the clinical trials as it was given with patent protection to avail prospective results in curing the rare disease “NASOPHARYNGEAL”.
3. ULTRON was the primal formulator of the said drug for the cure of the fatal disease “NASOPHARYNGEAL” with the medical composition of ALKYLATING AGENT (chemotherapy medicine) and MONOCLONAL ANTIBODIES (medicine which slows down or stops the growth of cancer cells) to aid the purpose. During the process of clinical trials, ULTRON realized that the medicine “VASONAX” was able to help the patients only up to 90% and hence made a minor change in the composition of “VASONAX” with the addition of PD -1 (medicine which helps the immune system recognize and attack cancer cells) to strengthen the existing potent formula which showed a non-obvious usefulness of the medicine.
4. The company wants to extend the patent protection for the said drug, hence reinventing the original drug. These changes made in the existing composition of “VASONAX” aimed at enhancing the efficacy, safety, and convenience of the drug, and are marketed as "innovative" and "life-saving" by the company.
5. The company had filed for secondary patent pertaining to the change made to the composition of “VASONAX”, claiming the drug to be novel, non-obvious, and useful. However, another pharmaceutical company, ORNAMEL based in Zumbai, who are also a part of the pharmaceutical industry for more than 20 years has raised concerns about the practice of evergreening to the controller of patent who found the addition of PD -1 to be novel and non-obvious according to section 2 (1)(j) of The Bindia Patent Act, 1970.
6. Aggrieved by the decision of the controller of patent, ORNAMEL further approached the High Court, raising concerns on evergreening of patent under section 3 (d) of The Bindia Patent Act, 1970 and the decision of the controller of patent. ORNAMEL argued that evergreening undermined competition, innovation, and access to affordable medicines, particularly in developing countries where many people cannot afford the high prices of drugs.
7. The question before the court is whether the application of secondary patent rights filed by ULTRON Pharmaceuticals represent true innovation or was merely an attempt at evergreening and whether it affects human rights by depriving access to the drug.

MOOT PROPOSITION

Issues Raised:

1. Whether ULTRON is practicing evergreening of patents that violates the principle of Intellectual Property Law, Competition Law and Public Health Policy?
2. Whether Right to Public Health prevails over the Right to Intellectual Property?

Disclaimer:

1. All aspects of the moot problem are fictitious in nature and bear no validity to facts.
2. The laws of Bindia are *pari materia* with those of India.
3. Participants can produce studies, scientific literature and other documents.

RULES AND REGULATION

1. ELIGIBILITY CRITERIA

- 1.1. The Competition is open to all students presently pursuing LL.B. course (5 years or 3 years) from any Institution/College/University recognized by the Bar Council of India.
- 1.2. Students enrolled in postgraduate or diploma programmes shall not be eligible to participate in this Competition.
- 1.3. The Team shall comprise of three members of which two shall be designated as Speakers and the third member shall be the Researcher.

2. REGISTRATION AND CONFIRMATION

- 2.1. Each Team shall register itself by sending a duly filled in Registration Form along with the required Demand Draft of Rs.3,000/- (Rupees Three Thousand only) drawn in favor of “BISHOP COTTON WOMEN’S CHRISTIAN LAW COLLEGE, BENGALURU”.
- 2.2. The scanned copy of the Registration Form shall be sent to mootcourtcommittee@bcwclc.edu.in by 6th June 2023, and a hard copy of the form shall reach the Organizers by 9th June 2023, via Registered Post with Acknowledgement Due. The confirmation of accommodation need be made by outstation teams by 9th June 2023, failing which the teams need to make their own arrangements.
- 2.3. Once registered, the registration fee shall neither be refunded nor waived. Only 20 Teams on the basis of first come first serve shall be registered. However, the Organizers shall reserve the discretion to increase the number of teams.
- 2.4. Organizers will confirm registration of the teams via-e-mail.

3. DRESS CODE

- 3.1. Male Participants shall wear a full suit – comprising of a black formal blazer and trousers, full sleeved white shirt and formal footwear.
- 3.2. Female Participants shall wear Western or Indian formals with blazers and formal footwear.

4. MISCELLANEOUS

- 4.1. The Teams shall take the facts of the Moot Problem as final and no clarifications concerning the same shall be entertained.
- 4.2. Language for this competition shall be in English (for all rounds).
- 4.3. The registered participants shall maintain discipline throughout the Competition. Any breach of the same may lead to disqualification of the team from the competition. The decision of the organizers in this regard shall be final.

RULES AND REGULATION

5. MEMORIAL

5.1. Each Team shall prepare Memorials in support of both the Appellant and the Respondent. Soft Copies of the Memorials shall be in pdf format titled “Team Code-A” (for the Appellant) and “Team Code-R” (for the Respondent) which shall be mailed to mootcourtcommittee@bcwclc.edu.in not later than 11:59 pm on 27th of June 2023, beyond which no Memorials shall be entertained. Clarifications regarding the moot proposition must be mailed to mootcourtcommittee@bcwclc.edu.in which will be entertained only until 11:59 pm on 17th of June 2023, the same shall be released on the 20th of June 2023.

5.2. Each participating Team shall be allotted a ‘Team Code’ by the Organizers, which shall be mentioned on the Cover Page of the Memorials of the Appellant and Respondent. For example, if the assigned Team Code is 99, the Team shall title the Memorial as “99-A” and “99-R” respectively.

5.3. Two (2) Hard Copies of each of the Memorials for the Appellant and the Respondent shall reach the Organizers not later than 1st of July 2023, beyond which no Memorials shall be entertained.

5.4. In addition, six (6) Hard Copies of the Memorials for both the sides shall be submitted on 7th June 2023, at the time of orientation.

5.5. The Hard Copies of the Memorials shall bear a cover page in conformity with the following scheme: Appellant- Blue; Respondent- Red.

5.6. Teams shall cite authorities in the Memorials using footnotes following the Harvard Bluebook (20th Edition).

5.7. Once the Memorials are submitted, no additions, modifications, supplements, etc., shall be entertained.

5.8. The Cover Page of each Memorial shall contain the following information:

- a) The Team Code in the upper right hand corner shall be in compliance with Rule 5.2:
- b) Name of the Tribunal resolving the dispute;
- c) Year of the Competition;
- d) Name of the Case; and
- e) The party for which the Memorial has been prepared.

5.9. The Memorials shall contain the following: Cover Page; Table of Contents; Table of Cases; List of Abbreviations; Index of Authorities (only Statutes, International Instruments or Constitutional Law); Statement of Jurisdiction; Statement of Facts (not exceeding 2 pages); Issues Raised; Summary of Arguments (not exceeding 2 pages); Arguments Advanced (not exceeding 20 pages); Prayer (not exceeding 1 page); Bibliography (list of Books and Articles) and Webliography (URLs and Websites).

5.10. All the contents of the Memorial (including the preliminary pages) shall be typed on ‘A4 sheets’. The Font shall be “Times New Roman” and in addition, the Participants shall adhere to the following specifications: Font Size: 12; Line Spacing: 1.5; Headings: 14; Body of Text: Justified.

5.11. For Footnotes, the formatting specifications are: Font type: Times New Roman; Font Size: 10; Single Spacing; Paragraph Spacing: 0; and the Body of the Text: Justified.

5.12. The fixtures shall be determined by the draw of lots and there shall be exchange of Memorials between the respective opposing Teams prior to the Quarter-Final, Semi-final and Final Rounds.

RULES AND REGULATION

6. ANONYMITY OF TEAMS

- 6.1. The Teams shall not reveal their identity throughout the Competition in any form, except by means of the Team Code allotted to them.
- 6.2. The Memorials and materials presented to the Bench shall not reveal the identity of the Team in any form and should not bear the logo, name etc., of the Institution/College/University represented.

7. PENALTY

7.1. Any Memorial violating any of the above mentioned specifications shall be penalized according to the scheme as follows :

SL. NO	SCHEME OF DEDUCTION	MARKS DEDUCTED
1	Failure to comply with Rule 5.4	1 mark per side
2	Failure to comply with Rule 5.5	1 mark per violation
3	Failure to comply with Rule 5.7	1 mark per violation
4	Failure to compy with Rule 5.8, 5.9 and 5.10	1 mark per violation up to a maximum deduction of 5 marks
5	Failure to comply with Rule 6	1 mark for every disclosure of identity

7.2. Any decision of the Organizers regarding the deductions shall be final and the same is not open to challenge

RULES AND REGUALATION

8. PRELIMINARY ROUNDS

8.1. Each Team shall argue twice in the Preliminary Rounds, once for Appellant and once for the Respondent.

8.2. Oral Arguments: Each Preliminary Round shall consist of Sixty (60) minutes of arguments.

8.3. Each Team shall allocate its 30 minutes between the two Speakers, each Speaker having 15 minutes.

8.4. The top 8 teams based on their scores shall advance to the Quarter-Final Rounds.

8.5. In case of a tie, the team's Memorial marks shall be added to the scores of the Oral Rounds and consequently, the Team with higher marks shall progress to the Quarter-Final Rounds.

8.6. If the tie persists then it shall be broken by flipping of a coin.

8.7. The detailed breakup of marking criteria are as follows:

RULES AND REGUALATION

SL. NO	CRITERIA	MARKS
1	KNOWLEDGE OF FACTS	10
2	ADVOCACY SKILLS AND COURT MANNERS	10
3	KNOWLEDGE OF LAW, PRECEDENTS AND LEGAL PRINCIPLES	10
4	ARTICULATION, ANALYSIS AND PRESENTATION OF ARGUMENT	15
5	INTERPRETATION AND APPLICATION OF LAW	10
6	PERSUASIVENESS AND REASONING	10
7	ABILITY TO ANSWER QUESTIONS	10
8	TIME MANAGEMENT AND ORGANISATION	10
9	INGENUITY AND WIT	10
10	OVERALL IMPRESSION	05

RULES AND REGUALATION

9. QUARTER-FINAL ROUNDS

9.1. The timing rules governing the Preliminary Rounds shall be applicable to the Quarter-Final Rounds.

9.2. The marking criteria of these rounds shall be as per Rule 8.7.

9.3. By means of knock-out, Four (4) teams shall advance to the Semi-Final Rounds.

10. SEMI-FINAL ROUNDS

10.1. Each Semi-Final Round shall consist of 90 minutes of arguments.

10.2. Each Team shall get a total time of 45 minutes to present their arguments.

10.3. Each Speaker shall get a maximum of 22.5 minutes to present the case, which shall include the time for rebuttal/sur-rebuttal, as the case may be, and the same may be allowed at the judges' discretion.

10.4. The marking criteria of the Semi-Final Rounds shall be as per Rule 8.7.

10.5. By means of knock-out, Two (2) teams shall advance to the Final Round.

11. FINAL ROUND

11.1. The timing rules governing the Semi-Final Rounds shall be applicable to the Final Round and the marking criteria shall be as per Rule 8.7.

12. PRIZES

- Champion Team
- Runners-Up
- Best Memorials
- Best Student Counsel (Male)
- Best Student Counsel (Female)
- Promising Advocate Award

13. FOOD AND ACCOMMODATION

13.1. The Participants (2 Speakers and 1 Researcher) will be provided food on all days of the Competition. Accommodation will be provided only to the Participants coming from outside Bengaluru, from 7th July, 2023 - 9th July, 2023, till 9 p.m. The confirmation of accommodation need be made by outstation Teams while submitting the provisional Online Registration Form on 6th June, failing which the Teams need to make their own arrangements.

13.2. Teams arriving by flight, train or bus shall arrange their own transportation to the Venue of the Competition.

13.3. The Organizers shall not bear travel expenses of the Participants.

13.4. The Campus and the Place of Accommodation is not only eco-friendly but also compliant with Swachh Bharat initiative undertaken by the Government of India. Thus, the Participants shall cooperate with the Organizers in keeping the Place of Accommodation and Campus clean at all times by discarding wastes in appropriate dustbins.

13.5. The Place of Accommodation, Venue of the Competition, as well as any fixtures or furniture belonging to the Organizing Institution shall not be polluted, destroyed or damaged by the Participants and any breach in this regard shall attract penalty as decided by the Organizers.



REGISTRATION DETAILS

REGISTRATION FEES MAY BE TRANSFERRED ONLINE, TO THE FOLLOWING DETAILS

ACCOUNT NAME	BISHOP COTTON WOMEN'S CHRISTIAN LAW COLLEGE
ACCOUNT NUMBER	410202010013086
BANK NAME	UNION BANK OF INDIA
IFSC CODE	UBIN0541028

IMPORTANT DATES

SL. NO	PARTICULARS	DATES
1	LAST DATE FOR PROVISIONAL ONLINE REGISTRATION. REQUEST FOR ACCOMMODATION BY OUTSTATION TEAMS NEED TO BE MADE, FAILING WHICH THE PARTICIPANTS NEED TO MAKE THEIR OWN ARRANGEMENTS	6th June 2023
2	LAST DATE FOR SUBMISSION OF THE FILLED IN REGISTRATION FORM (HARD COPY)	9th June 2023
3	LAST DATE FOR ONLINE SUBMISSION OF SOFT COPIES OF THE MEMORIALS	27th June 2023
4	LAST DATE FOR SUBMISSIONS OF TWO HARDCOPIES OF EACH SIDE OF THE MEMORIALS ALONG WITH DULY FILLED TRAVEL FORMS	1st July 2023
5	INAUGURATION OF 8TH BCWCLC NAIONAL MOOT COURT COMPETITION	7thJuly 2023
6	PRELIMINARY ROUNDS AND QUARTER FINAL ROUND OF THE MOOT COURT COMPETITION	8th July 2023
7	SEMI-FINAL ROUND, FINAL ROUND AND VELEDICTORY FUNCTION OF THE COMPETITION	9th July 2023

REGISTRATION FORM

Institution Details -Name of the College / University -

Address -

City -

State -

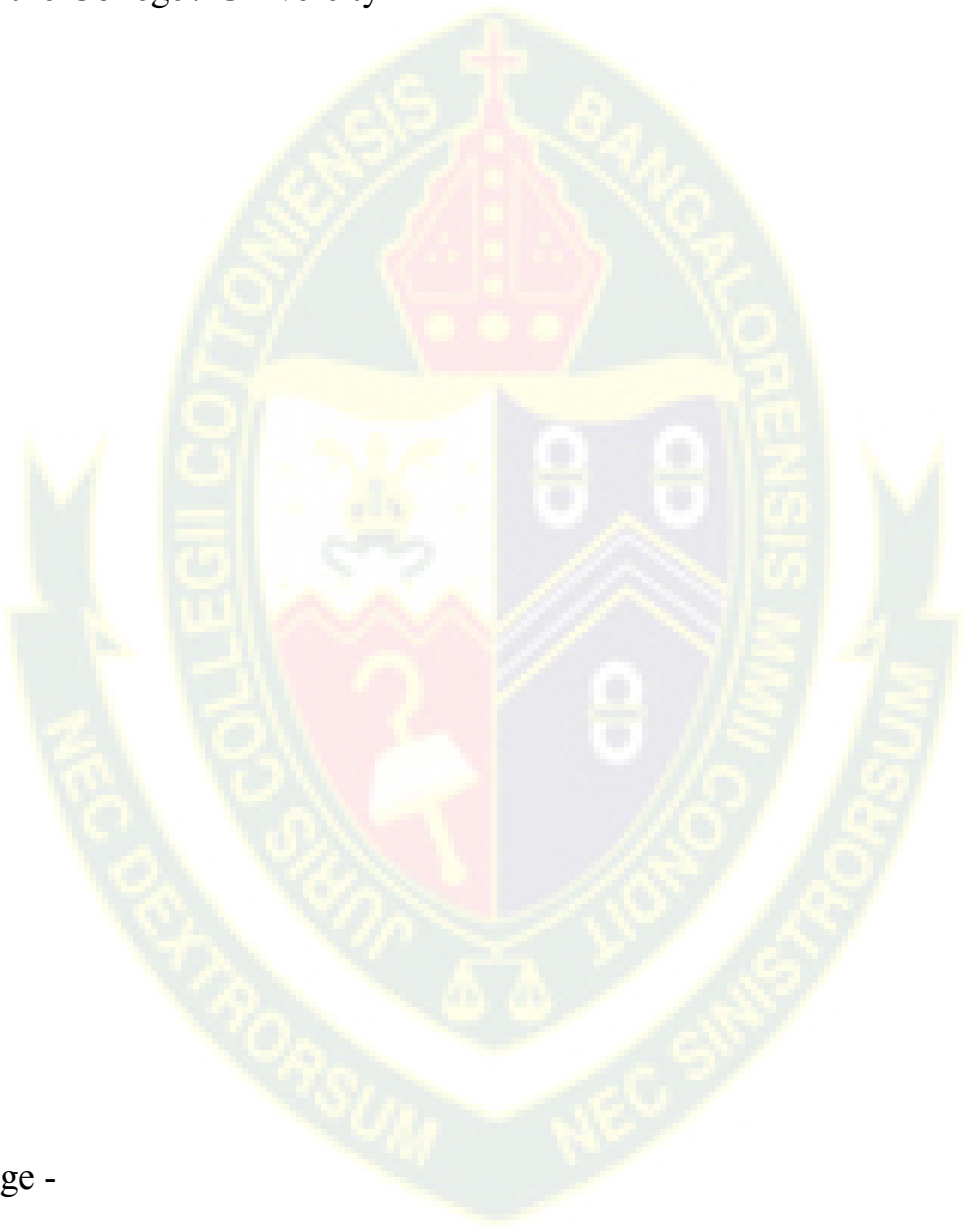
Pin Code -

Contact Information-

Name of the Faculty In charge -

Email address -

Telephone Number -



Team Details

Name - Speaker 1

Semester / Year / Course -

Email Address -

Phone No -

Gender

Name - Speaker 2

Semester / Year / Course -

Email Address -

Phone No -

Gender -

Name of the Researcher

Semester / Year / Course -

Email Address -

Phone No -

Gender -

Accommodation Required YES / NO (For outstation teams only)

Seal and Signature of the Head/Dean/Director of the Institution.

TRAVEL PLAN

(Applicable to outstation teams only)

1. Name of the Institution -

2. Arrival Details

a) Mode of Arrival - Train/ Air/ Bus b)

Train no./ Flight no./ Bus no

c) Date & Estimated Time of Arrival

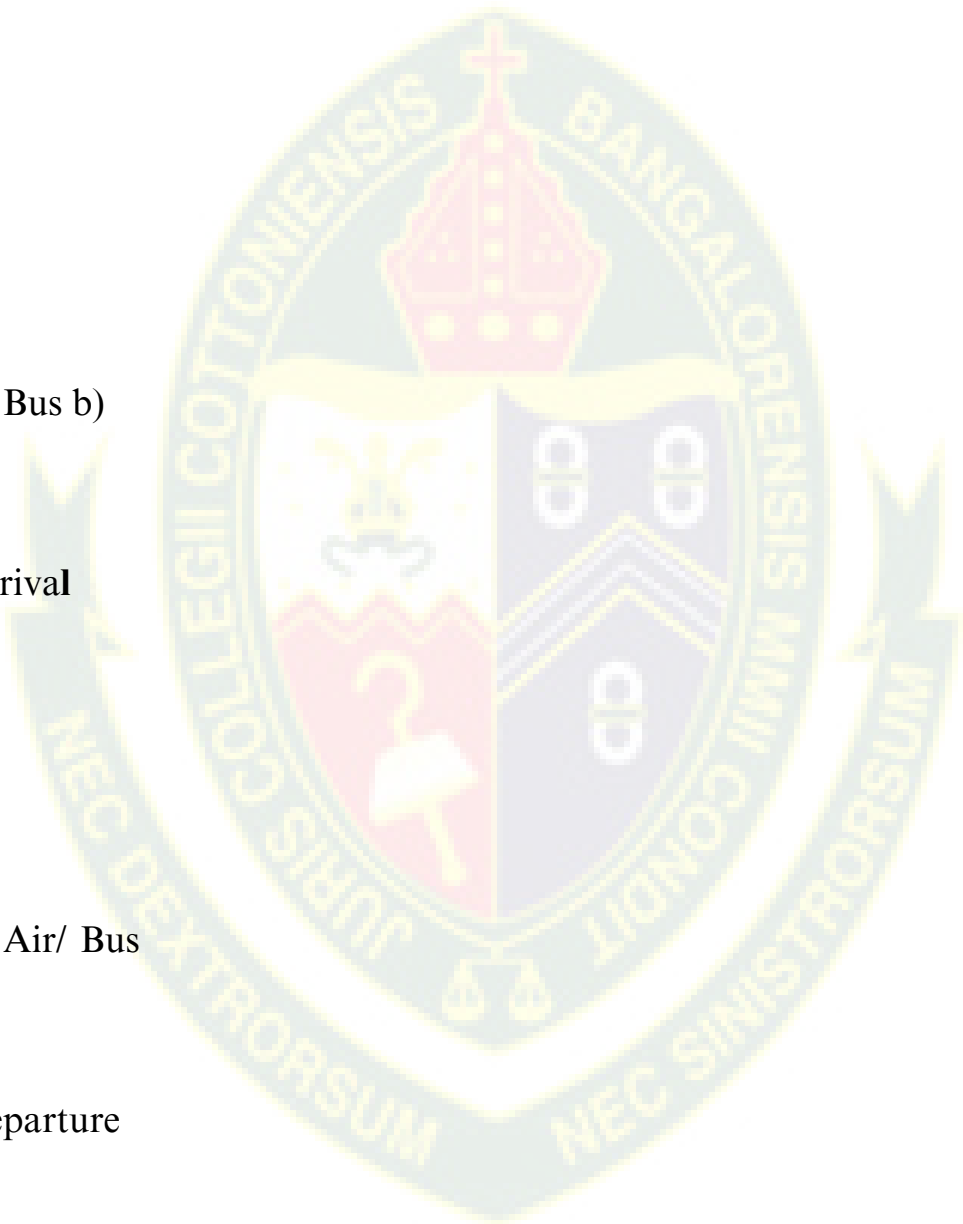
3. Departure Details

a) Mode of Departure - Train/ Air/ Bus

b) Train no./ Flight no./ Bus no

c) Date & Estimated Time of Departure

4. Any other Detail



CONTACT DETAILS

POSTAL ADDRESS

The BCWCLC Moot Court Society,
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BEST WISHES

Board of Management, Principal In-charge, Staff and Students