

# Moot Court Competition

Admission into a professional course is not an achievement but an opportunity to sharpen one's professional skills and one must not let it pass by. Mooting is the oral presentation of a legal issue or problem against an opposing counsel and before a judge. It is perhaps the closest experience that a student can have, whilst at university, to appear in court. Moot court helps a budding lawyer to build confidence in public speaking, general research and presentation skills.

## Schedule:

Last Date of Registration	15 <sup>th</sup> February, 2020
Last Date of Submission of Memorials (Soft Copy)	22 <sup>nd</sup> February, 2020
Last Date of Submission of Memorials (Hard Copy)	22 <sup>nd</sup> February, 2020
Orientation for Moot Court Competition and exchange of memorials for preliminary round	6 <sup>th</sup> March, 2020 at 2:00pm
Date of Preliminary Round	7 <sup>th</sup> March, 2020
Date of Semi Final and Final Round	8 <sup>th</sup> March, 2020
Date of Researcher's Test	8 <sup>th</sup> March, 2020

## General Rules and Regulations:

1. Preliminary Round shall take place on 7<sup>th</sup> March, 2020. Top 2 scoring teams for each Court Room shall advance to Semi-Final Round. Exchange of memorials shall take on Day 1 at 5pm.
2. Semi-Final round shall take place on 8<sup>th</sup> March 2020. Top 2 scoring teams shall advance to Final Round.
3. Final Round shall commence at 2pm on 8<sup>th</sup> March 2020.
4. The participant shall report **30 minutes** prior to the competition.
5. Black and white formal attire is compulsory.
6. Each team will consist of three participants i.e. Two Mooters and One Researcher.
7. Each Researcher will be judged on the basis of **Memorials and Researcher's Test**.
8. The decision of organizing committee will be final and binding on all concerned.

## ORAL ROUNDS:

1. In case of evaluation of all the rounds, marks for the memorials shall not be included to decide the merit.
2. The decision of the judges with regard to the outcome of the rounds shall be final.

## PRELIMINARY ROUNDS

1. Each round shall comprise of two teams and will follow the cause list drawn for that courtroom.
2. The teams will argue as on behalf of the side which was made known to them the day of orientation, and present their contentions accordingly.

3. A total of 15 minutes shall be allotted to each team to argue for their side. The division of time per speaker is to be left to the discretion of the team, subject to a minimum of 5 minutes and maximum of 10 minutes per speaker.
4. Rebuttal time is 2 minutes and sur-rebuttal shall be at the discretion of the judges.
5. Maximum scores for this round shall be 100 marks per speaker per judge, and the final result shall be the average of both the judges.

#### SEMI FINAL ROUNDS

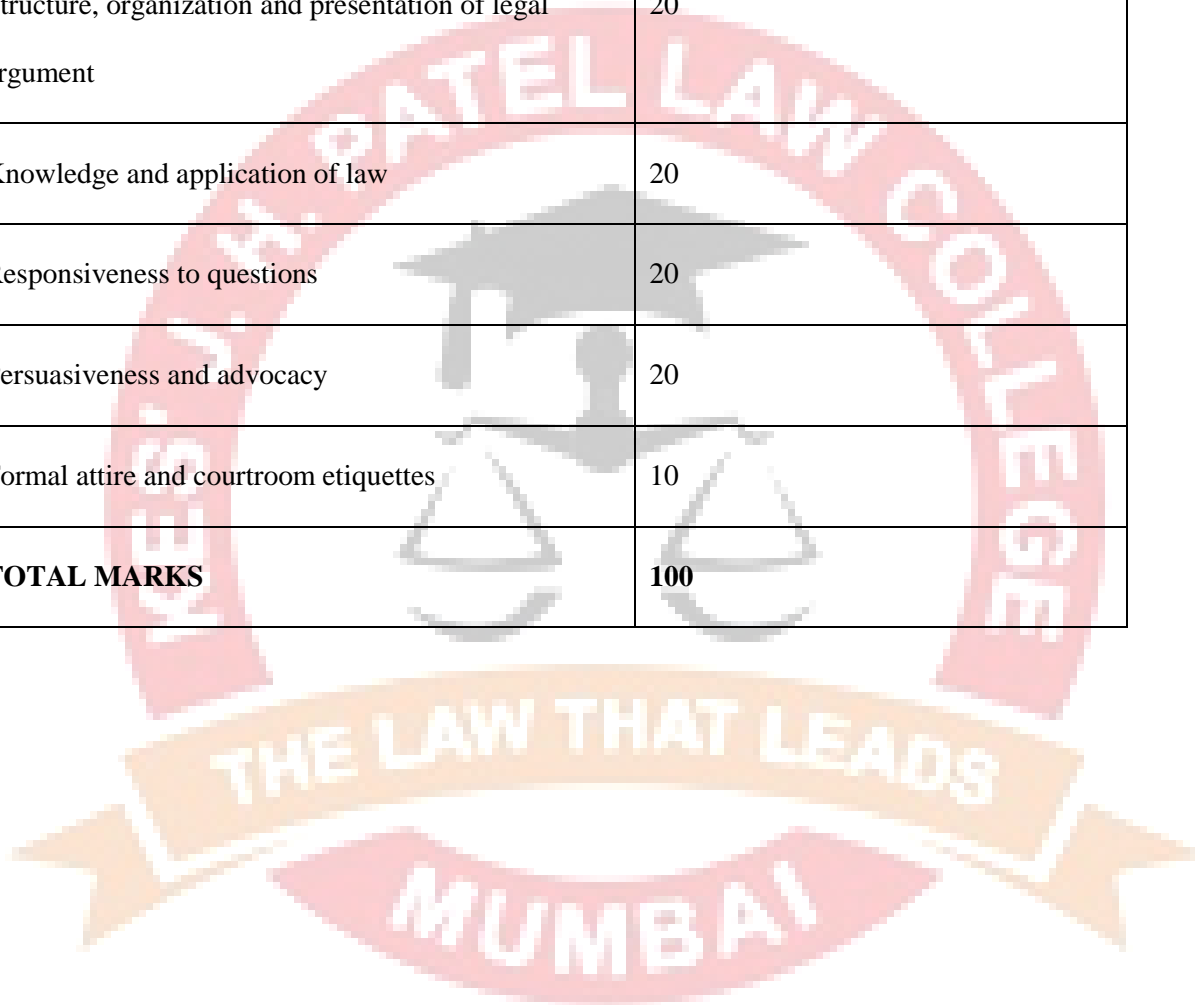
1. Rules for this round shall be the same as for Preliminary rounds.
2. A total of 20 minutes shall be allotted to each team to argue for their side. The division of time per speaker is to be left to the discretion of the team, subject to a minimum of 7 minutes and maximum of 12 minutes per speaker.

#### FINAL ROUNDS

1. A total of 30 minutes shall be allotted to each team to argue for their side. The division of time per speaker is to be left to the discretion of the team, subject to a minimum of 12 minutes and maximum of 18 minutes per speaker.
2. The winner of the Final Round shall be declared the winner of the competition.

## MARKING CRITERIA FOR ORAL ROUNDS

<b>MARKING CRITERIA</b>	<b>MARKS ALLOTTED</b>
Knowledge of facts	10
Structure, organization and presentation of legal argument	20
Knowledge and application of law	20
Responsiveness to questions	20
Persuasiveness and advocacy	20
Formal attire and courtroom etiquettes	10
<b>TOTAL MARKS</b>	<b>100</b>



## Rules for memorials

1. All memorials submitted for the Moot Court competition shall strictly adhere to the rules which shall follow hereafter.
2. Each participating team must prepare one Memorial from the Petitioner's/Plaintiff's side and one on behalf of the Respondent's/Defendant's side.
3. Memorials for the Petitioner/Plaintiff are required to have BLUE cover and memorials for the Respondent/Defendant are required to have RED cover.
4. Further each team shall submit 5 hard copies of the said Memorials from each side. Non-compliance will **entail penalty of 2 marks** per copy not submitted.
5. All the memorials shall be submitted in hard copy and soft copy in .pdf format only via email, at [kes.smcs@gmail.com](mailto:kes.smcs@gmail.com), with the subject "Memorials of (team code)". The memorials shall be sent as an attachment with the mail in the form of single file for each side.
6. The hard copies and soft copies of the memorials should reach the organizing committee latest by the date and time notified, failing which, there shall be deduction of **5 marks per 15 minutes.**
7. The memorials shall not contain any form of identification apart from the team code.
8. A penalty of **5 marks shall be levied in case the memorial submitted is in format other than the one provided herein.**
9. The hard copy of the memorials must be exact replica of the soft copy submitted to the organizing committee. Any difference in the same will result in disqualification.
10. Memorials need to be submitted in soft copy and hard copy on or before 20<sup>th</sup> February. Once the memorials are submitted they shall be deemed as final.

# **GUIDELINES FOR FORMATTING**

1. **Memorial Structure:** The memorial must have following pages only:

- i. Cover Page – The cover page shall contain the case title, side of the memorial, and team Code on top right corner.
- ii. Table of Contents
- iii. List of Abbreviations
- iv. Index of Authorities
- v. Statement of Jurisdiction
- vi. Statement of Facts
- vii. Issues Raised
- viii. Summary of Arguments
- ix. Arguments Advanced
- x. Prayer

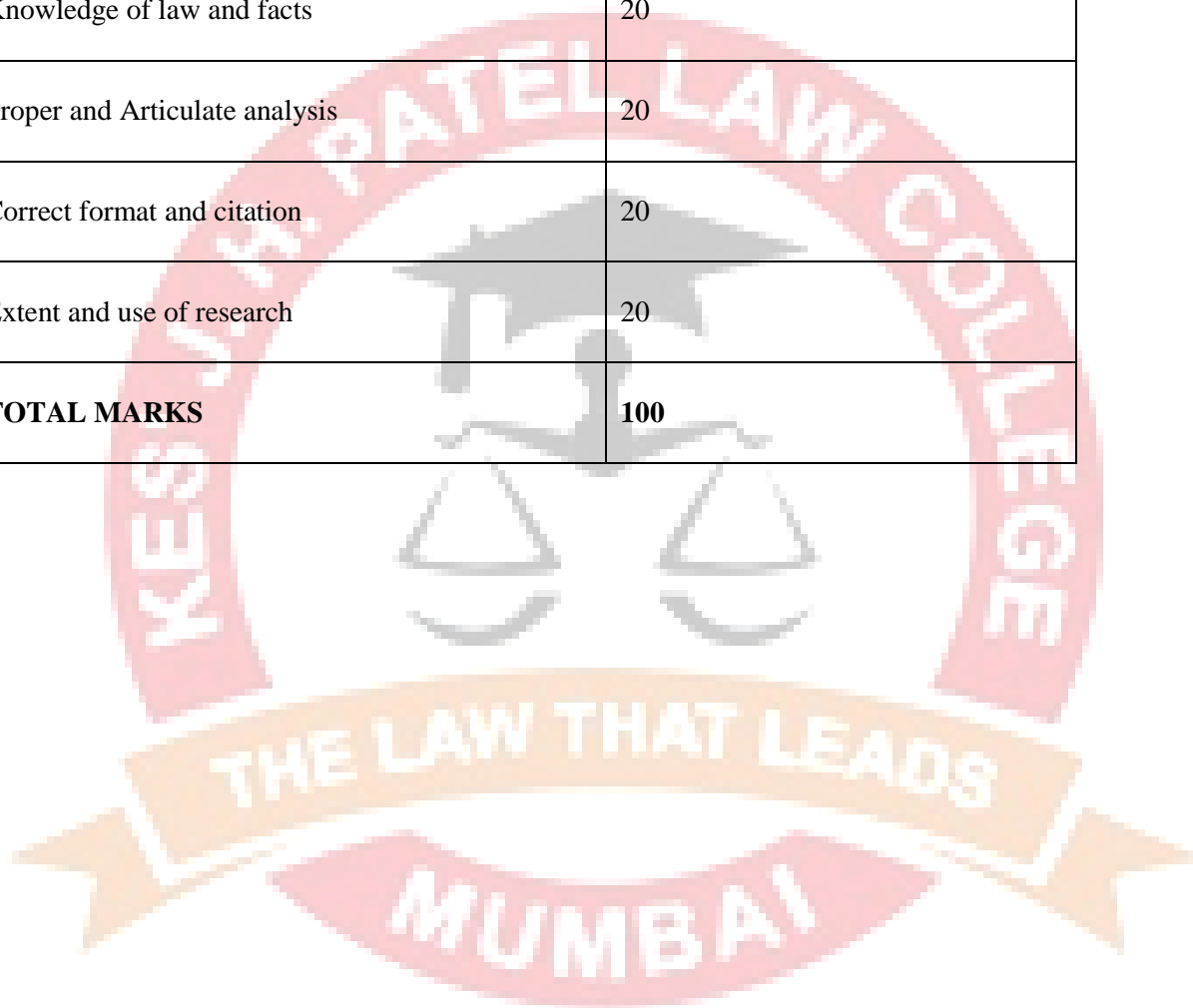
2. **Team Code:** The team code must be ascribed on the top right corner of the cover page.

3. **Content Specifications:** The following content specifications must be strictly adhered to:

- i. Font and Size (General) - Times New Roman, 12 pts
- ii. Line Spacing (General) - 1.5 lines
- iii. Font and Size (Footnotes) - Times New Roman, 10 pts
- iv. Line Spacing (Footnotes) - Single line
- v. Page Margins - 1 inch on all sides
- vi. The Hard Copies of the Memorial shall be printed on only one side.

## MARKING CRITERIA FOR MEMORIALS

<b>MARKING CRITERIA</b>	<b>MARKS ALLOTTED</b>
Evidence of original thought	20
Knowledge of law and facts	20
Proper and Articulate analysis	20
Correct format and citation	20
Extent and use of research	20
<b>TOTAL MARKS</b>	<b>100</b>



## Researcher's Test:

A researcher plays a pivotal role when it comes to moot competition. The researcher lessens the burden of the speakers, both literally and figuratively. A good researcher must be able to comprehend judgements quickly and also have a good understanding of the moot problem. This year the college has introduced a researcher's test. The researchers scoring the highest cumulative score of this test and memorials will be given Best Researcher's Award.

### Rules and Regulation For Researcher's Test:

1. The Researcher's Test shall be conducted on day two of the competition i.e. 8<sup>th</sup> March, 2020.
2. Only the researcher as indicated by the team shall take the test.
3. The duration of the test will be 60 minutes.
4. The test will be on Multiple Choice Question (MCQ) format. There will be a total of **50 questions each of 1 mark**. There will be no negative marking.
5. The question will be based on general understanding of moot proposition and relevant laws.

## Awards & Prizes

1. Winners of Moot Court Competition: Cash Prize of ₹ 15000/- + Trophy
2. Runners Up of Moot Court Competition: Cash Prize of ₹ 7000/- + Trophy
3. Best Mooter: Trophy
4. Best Researcher: Trophy

All participants shall receive certificate of participation.

## Moot Proposition

1. Soda-licious and Co. Ltd. (hereinafter referred to as “Soda-licious”) is a company based in Unity Kingdom (UK) and registered under appropriate UK Laws in the year 2004. Soda-licious is engaged in production of “apple juice”. It started production and distribution of its said product immediately after the establishment. Soda-licious sells the juice under its registered trademark “Thirst Burst” (Annexure 1). Soda-licious applied for registration for its “Thirst Burst” mark in various countries including Sindia in April 2004. It received the registration in Sindia in October, 2004.
2. Soda-licious supplies its product in all of Turope. It undertook various marketing campaigns and strategies to attract more customers. With the era of internet the company also came up with their own website with the domain name [www.thirstburst.com](http://www.thirstburst.com) in the year January, 2006.
3. Soda-licious started its business activities in Sindia in April 2008 by incorporating a company “Soda-licious (Sindia) and Co. Ltd.” (hereinafter referred to as “Soda-licious Sindia”). It established its registered office in Chandheri, Mumba. It targeted Western and Central part of Sindia for its potential market. Before the establishment of the company in Sindia, Soda-licious used to export its product to Sindia since February, 2006 on receiving orders through the website.
4. Soda-licious sells its apple juice in a unique transparent plastic container which is apple-shaped with the idea to attract consumers, mainly kids. The creative packaging had now become the face of this company. However, it has not registered its unique design.
5. Soda-licious Sindia made ₹24,000,000 annually as profits from the sale of its apple juice which became one of the highest selling products in the children’s category, reflecting its popularity among them. The sale price of apple juice in Sindia is ₹ 25 per bottle.
6. The product was well advertised, with tagline “*fresh apple juice*” and musical jingle running through television commercials and print media. Also, they engaged a famous

celebrity Sabrina Kafe to endorse the product which cost them with heavy expenditure. The “Thirst Burst” apple-juice is now a household name among all age groups.

7. In the year 2014, the registration of the Trademark “Thirst Burst” expired in Sindia, by oversight, the said registration was not renewed within the time provided by law.
8. In January, 2016, Soda-delicious and Co. Pvt. Ltd., (hereinafter referred to as “Soda-delicious”) a Company registered under the Companies Act, 2013, having its registered office in Aravi, Mumba started production and sales of range of fruit juices under the trademark “Burst your Thirst” (Annexure 2). In March 2016, Soda-delicious applied for the registration of its said trademark under Trademarks Act, 1999.
9. In April 2017, Soda-delicious and Co. Pvt. Ltd., was granted trademark registration certificate for the trademark and logo “Burst your Thirst” by the competent authority.
10. To attract consumers Soda-delicious adopted fruit-shaped packaging; such as litchi juice in litchi-shaped bottle, orange juice in orange shaped bottle, apple juice in apple shaped bottle and so on. Due to extensive marketing, Soda-delicious saw a substantial rise in its sales and consumer base.
11. Its products were extensively campaigned throughout the country, with catchy tag-line “*freshness at its best*” and musical jingle aired over the television as well as digitally marketed on social media platforms. They also engaged Jareena Khan, a famous actress, as brand ambassador, so as to attract more consumers. Soda-delicious also came up with their website with domain name [www.burstyourthirst.com](http://www.burstyourthirst.com) so as to be able to export to other countries even. The company was blooming with profits because of its marketing, packaging and consumer-centric approach.
12. In a short span of time, Soda-delicious experienced high surge in the sales of its various products especially in the sales of apple juice. Soda-delicious though originally carried out its major operations in Southern part of the country, in November, 2018 they decided to extend their sales to Western part of the Country.

13. In August, 2019 Soda-licious witnessed a drop in the sales of their juice in Sindian as well as foreign market. It also received several complaints from the consumers for bad taste of the juice. As a matter of fact, various consumers found dust/ alien ingredients in the juice leading to food poisoning among children. Various complaints were filed before the District Consumer Forum in Mumba, having competent jurisdiction, claiming compensation for the damages suffered due to consumption by the consumers. Soda-licious faced a lot of backlash from the general public which resulted in loss of profit and reputation among the public.

14. Due to complaints in the District Consumer Forum and drop of sales in market, Soda-licious undertook an investigation and survey of the markets to ascertain the reason for the drop in sales. Upon investigation they discovered that the drop in sales was because of the presence of Soda-delicious and Co. Pvt. Ltd. and because of their trademark name “Burst your Thirst”. This was a matter of concern for Soda-licious (Sindia) and Co. Ltd. and they decide to take up legal action immediately to avoid confusion amongst consumers and to avoid further drop in sales. There was also a threat to its goodwill associated with the product and the company.

15. Legal proceedings were initiated by the team of legal advisors of the Soda-licious (Sindia) and Co. Ltd. in the High Court having judicature at Mumba in January, 2020. It has also moved to the Court with an application seeking interim relief.

16. The plaintiff has sought the following remedies:-

- a. An injunction to restrain the manufacture and use of Corporate Name, use of Trademark, use of packaging and use of domain name;
- b. Order for the delivery of the infringing labels and marks for destruction or erasure;
- c. Damages for losses suffered, and intentional damage to the goodwill and reputation of the company;

- d. Request for directions to the competent authority to remove/ strike off the trademark from register.

Note:

- 1) All laws and monetary parameters of *Sindia* and *Unity Kingdom* are *pari-materia* with that of India and United Kingdom, respectively.
- 2) All laws and monetary parameters of *Turope* are *pari-materia* with that of Europe.
- 3) Actresses *Sabrina Kafe* and *Jareena Khan* bear resemblance in their physical appearance.
- 4) Participants are to frame a minimum of 3 contentions and maximum of 5 contentions.

Annexure 1



Annexure 2

