

St. Joseph's College of Law

Affiliated to KSLU and recognized by Bar Council of India

1st SJCL NATIONAL MOOT COURT COMPETITION

17-18 July, 2021

KNOWLEDGE PARTNERS

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ABOUT THE COLLEGE

Established in the year 2017, St. Joseph's College of Law is the pioneer Jesuit law college in South Asia that is strengthened with a 450-year-old legacy in imparting quality education through the Jesuit mission of molding students into '*people of competence, conscience and compassion dedicated to the service of faith and the promotion of justice*'.

In pursuance of the noble Jesuit motto - *fide et labore*, St. Joseph's College of Law was founded on the ideals of practicing law, promoting justice and to transform society. Emboldened with a vision to '*transform the lives of people by bringing about a just and egalitarian society*', the College believes in a steadfast focus to bridge law and governance with a human rights approach. The College, though neoteric, has been able to work towards these set ideals.

The Moot Court Society, through its various inter and intra collegiate events, aims to achieve and fulfill the objectives of the institution by encouraging a sound mooting culture, which has at its center, justice, and equity.



ABOUT THE COMPETITION

Objective

The Covid-19 pandemic has offset the balance in the economy. Ever since the announcement from World Health Organization (WHO) of declaring Covid-19 as a pandemic, the world has been a witness to unprecedented challenges. National laws and emergency plans must take account of international obligations for the management of public health emergencies.

The 1st St. Joseph's College of Law National Moot Court Competition, 2021 is designed for aspiring lawyers to utilize their research and analytical skills and to employ their legal acumen. In a nutshell, the competition seeks to bring forth the 'legisperitus' in each student.

The proposition of the memorandum has been designed in the light of the same and it focuses on diverse areas of on Intellectual Property Rights.

Aim and Purpose

The 1st St. Joseph's College of Law National Moot Court Competition, 2021 has been conceived with the aim of creating opportunities to learn the development of jurisprudence on emerging trends in the domain of Intellectual Property Rights. It has been designed with a vision to enrich the knowledge of aspiring lawyers in keeping with the mission to actively bridge law and governance through legal education while developing cutting edge skills in research, writing and advocacy.

NOTE BY THE DIRECTOR

At St. Joseph's College of Law (SJCL), administered by the Bangalore Jesuit Education Society (BJES) our aim is to enable socially conscious lawyers who have a fine balance of knowledge, ethics and competence who can contribute to strengthening the judiciary system and practice in India as well as internationally. The core value of our institution is to work for the most vulnerable and marginalized with Constitutional principles of justice, equality and fraternity as the central tenet. The College of Law hopes to fill a gap in the legal needs of the country by providing quality education to students and equipping them in both Indian and International laws and jurisprudence.



We believe that theory of law is vital to the law students, but that it should also be located in a deep and rigorous understanding of the existing social and political context of the country, so that the students practice law with both, their hearts as well as their minds, with a particular focus on the vulnerable and marginalized communities of the country. Practical knowledge is key for the students and they will be exposed throughout their training to the realities in the country through field visits and interaction with community-based law practitioners. We also strongly believe in the overall development of students and encourage them to participate in various extra- curricular

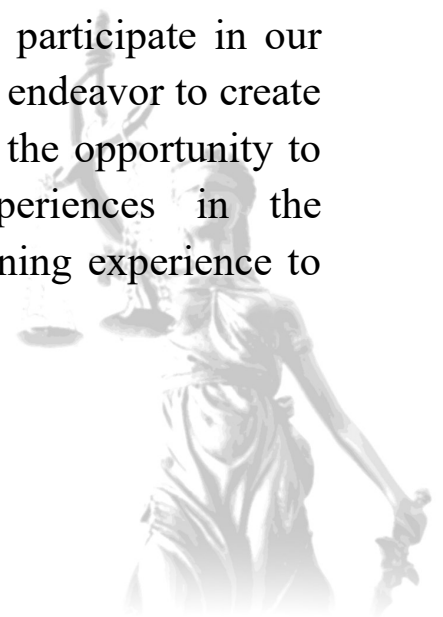
activities such as sports, drama, debate, theatre and cultural events. This also fosters a sense of community and of learning and sharing with their fellow students. We actively encourage students to respect each other irrespective of gender, class, caste, religion, language, physical ability and geographical differences.

We aim to facilitate the process of creating young lawyers who will have critical reasoning as well as social consciousness and who will become leaders in their own right having reached their full potential within our institutions. This is the need of the hour. We hope that these efforts will strengthen the legal mechanisms for the country and offer strong legal support to those who most need them. We desire that our students will be the catalysts in building our nation of justice and equity.

In pursuance of our aims, it is with immense pleasure that St. Joseph's College of Law, presents the 1st National Moot Court Competition 2021, to be held from June 27th to 29th, 2021. We invite your esteemed institution to participate in our first virtual moot court competition. It is our endeavor to create an atmosphere of intellectual exchange and the opportunity to learn court craft through simulated experiences in the competition. We hope to provide a great learning experience to law students across the nation.

Warm regards,

Fr. Jerald Dsouza SJ
Director



MESSAGE FROM THE PRINCIPAL

Mooting is an excellent way of legal learning. It sharpens and hones the skills of young law students. Moot courts stimulate real life proceedings, push the boundaries of one's intellect, advocacy skills and emphasizes on collective team work.



The 1st St. Joseph's College of Law National Moot Court Competition, 2021 would be the right platform for budding lawyers all over the country to showcase their talents. I extend a warm welcome to law schools to participate.

Dr. Pratima Prabhakar
Principal



MOOT PROBLEM

M/s. COVITECH LABORATORIES

Verses

M/s. REE SAW TECHNOLOGIES

M/s. Covitech Laboratories is a company based in Xalonia, Federal States of Avera (FSA) involved in research and development of Pharmaceutical products. The Company is committed to creating a healthier world for everyone. For more than 50 years, they pursued the impossible, chased it down, tackled it for answers and surrounded it for a way in. They have worked tirelessly to bring forward medicines for life-threatening diseases.

The company is committed to advancing care for patients around the world, by bringing forward medicines in areas of unmet medical needs. This is through internal research and development, as well as through collaborations with academic and industry partners. The company in joint collaboration with an academic institution called NEMDPER (National Education for Medical Devices and Pharmaceutical Education and Research) in Tianzhu has developed a drug called “Releiver” which will ease the congestion in lungs due to viral infections such as SARS-CoV-2 or Covid-19 and other influenza (Flu).

Tianzhuan academic institutions have witnessed increasing focus on innovation, research and cross-border collaborations and as

part of such initiative NEMDPER has joined M/s. Covitech Laboratories in development of the “Releiver” Drug for influenza (Flu).

M/s. Covitech Laboratories has given the outline for the research, however all experiments and investment for the Research and Development and further clinical trials were handled by NEMDPER. Mrs. Divya Viswanath Asst. Professor and Mr. Rajesh a Post-Doctoral student at NEMDPER were named as inventors and M/s. Covitech Laboratories and NEMDPER were named as Applicants in the Patent Application filed. Eventually after due process of Examination of Patent Application, a patent was awarded.

M/s. Covitech Laboratories being in the market has quickly started manufacturing the drug after obtaining valid approvals from drug regulatory authorities both in Tianzhu and FSA. However, NEMDPER since an academic institution was unable to start commercialization of the drug “Releiver”.

Meanwhile Covid-19 spread across the world and affecting each and every country and the requirement for the “Releiver” has been exponentially raised. The drug “Releiver” is the only drug that worked effectively on reducing the congestion in lungs of the patient who contacted with Covid-19 virus. M/s. Covitech Laboratories until early 2020 were manufacturing and distributing the drug on their own. However due to the increase in the demand for the drug “Releiver” and few compulsory license applications filed by few Tianzhuan companies started

granting voluntary licenses for the manufacturing and distribution of “Releiver” to few select big Pharma companies and those who approached for compulsory licensing.

Tianzhu being pharmaceutical hub has committed to export the drug “Releiver” to all across the world. M/s. REE SAW Technologies a pharmaceutical manufacturing and distribution company that has been started by Mrs. Divya Viswanath and Mr. Rajesh together early in the year 2020 that was inaugurated by none other-than Minister for Pharmaceuticals Mr. Krishna Reddy and in his inaugural address praised both Mrs. Divya Viswanath and Mr. Rajesh for inventing the drug “Releiver”.

Due to the increased demand and being inventors for the drug “Releiver” Mrs. Divya Viswanath and Mr. Rajesh decided to manufacture “Releiver” and thus sought for the license from M/s. Covitech Laboratories which was denied to them by M/s. Covitech Laboratories. Aggrieved by the denial, M/s. REE SAW Technologies approached NEMDPER for licensing; however, since technology commercialization is new to NEMDPER it has not provided any express consent but orally agreed for licensing the technology.

M/s. REE SAW Technologies has also approached the Minister for Pharmaceuticals Mr. Krishna Reddy and explained the need of manufacturing of drug “Releiver” and sought the Minister to issue a compulsory license under Section 92 of Tianzhuan Patent Act, 1970. The Minister promised positively to them.

Meanwhile since there is huge demand and lack of availability of “Releiver” drug in the market, M/s. REE SAW Technologies started manufacturing and distribution of the “Releiver” drug. On knowing the manufacturing and distribution of “Releiver” drug M/s. Covitech Laboratories Immediately initiated a civil suit of Patent Infringement against M/s. REE SAW Technologies and sought Preliminary injunction against them.

The suit has been filed in the commercial division Melhi High Court alleging the patent rights infringement of M/s. Covitech Laboratories. The Court issued urgent notices to the Defendant i.e., M/s. REE SAW Technologies and posted the matter on 17th July, 2021.

M/s. REE SAW Technologies received the said notices and briefed their lawyers as follows:

1. That they are the inventors of the drug and they should not be denied manufacturing and distribution.
2. That they were orally promised by NEMDPER for issuance of license for manufacturing and distribution.
3. That the drug “**Releiver**” only is quite effective on Covid-19 during this pandemic and thus it can be termed as Essential Drug for tackling Covid-19 Pandemic and thus no injunction can be granted against them and it needs to be licensed to them under FRAND principles which are prevalent for SEP (Standard Essential Patents) though no standards setting organization has specifically declared the said patent as SEP.

4. That they are in the process of approaching the Controller for compulsory licensing of “**Releiver**” drug.
5. They also briefed the meeting with the Minister Mr. Krishna Reddy and his positive approach for the compulsory license under Section 92 of Patent Act, 1970.
6. That as inventors of the drug “**Releiver**”, they have not received any compensation from either M/s. Covitech Laboratories or NEMDPER and thus they are free to use the drug.
7. As a final argument they have also stated that Patent is not valid as it is not meeting all the requirements of grant of a Patent.

You are required to present the case before the Melhi High Court on the appointed hearing date from both sides.

Disclaimer: All aspects of the moot problem are fictitious in nature and bear no validity to facts. The laws of Tianzhu are *pari materia* with those of India.

****The problem has been formulated by our knowledge partners, ALMT Legal and I-WIN IP Services. Participants are forbidden from contacting the author/organization under any circumstances. Any attempt to do so will result in immediate disqualification.***

SCHEDULE

Sl. No.	Particularss	Date
1	Commencement of Provisional Registration	3 June, 2021
2	Release of Proposition	14 June, 2021
3	Last day to Register	28 June, 2021
4	Last day to seek Clarification	30 June, 2021
5	Release of Clarification	1 July, 2021
6	Submission of Memorandum	10 July, 2021
7	Announcement of Top 16	14 July, 2021
8	Inauguration & Draw of Lots	16 July, 2021
9	Oral Rounds - Prelims (Round 1A+1B)	17 July, 2021
10	Semi-Finals, Final Round and Valedictory Ceremony	18 July, 2021

ORGANIZING PANEL

Dr. Pratima Prabhakar
Principal, St. Joseph's College of Law, Bangalore

Faculty Panel

Ms. Pauline Priya
Vice Principal, St. Joseph's College of Law, Bangalore

Mr. Sudeep Sudhakaran : +91 94968 91250

Ms. Sangeetha Thomas : +91 74066 04382

Student Coordinators

1. Shazia Shaikh : +91 95383 92524
2. Diksha Garg : +91 99004 35855
3. Himali Sylvester : +91 63603 17044
4. Simi Zackariah : +91 74065 35979
5. Joe Ann John : +91 96569 31273

