



IMS UNISON
UNIVERSITY

Nurturing Knowledge. Empowering Minds.

8th NATIONAL MOOT COURT COMPETITION-2021

October 28-30, 2021



ONLINE MODE



PLATFORM : MICROSOFT TEAMS

KNOWLEDGE PARTNERS :



ORGANISED BY:

**SCHOOL OF LAW, IMS UNISON UNIVERSITY,
DEHRADUN**

INVITATION FOR PARTICIPATION IN IMS UNISON UNIVERSITY

8th National Moot Court Competition, 2021

October 28th-30th, 2021

INVITATION



Dear Sir/Madam,

Greetings from School of Law, IMS Unison University!!

It gives me immense pleasure to announce that Moot Court Society, School of Law, IMS Unison University, Dehradun is hosting Eighth Edition of IUU, National Moot Court Competition, 2021. The competition strives to recognize and appreciate lawyering skills amongst young budding legal talent and provide them a platform to develop their professional skills. We invite participation from your esteemed institution for the competition scheduled on October 28-30, 2021.

IMS Unison has traversed a long journey to impart quality legal education, intuitive recognition of creativity and sparkling success since 1996. It has outstanding faculty, student oriented approach with a global perspective, open & healthy academic environment. IMS Unison University has unique features to act as a catalyst and facilitator to groom the students for best career prospects. The University strives to provide holistic learning through a multi disciplinary approach and also to promote research and innovation in all spheres of its activities in order to become a national and global epicenter of knowledge, culture, skills and technologies.

School of law, IUU is making rapid advancements in setting standards of legal education and research. It offers B.A. L.L.B (Hons.) and B.B.A. L.L.B. (Hons.) five years Integrated Program; L.L.M (one year) and Ph.D. courses. The courses are designed with international standards and state of art facilities to provide overall development of students to inculcate in them the strength to face the need of the hour and global challenges. We aspire to inculcate humanistic approach, entrepreneurial skills, innovative outlook and academic focus in our future leaders who can make a difference in the society. Our multi- disciplinary learning methods have proved fruitful as our alumni are setting new milestones in their professional fields.

We look forward for participation of your team in 8th National Moot Court Competition, 2021 and make it a successful event. The Moot Proposition, Official Schedule, the Official Rules and Regulations governing the competition are enclosed here with.

We look forward for your contribution in this progressive and inclusive prime academic activity for the students of schools of law.

Thanking You
With regards,

Prof (Dr.) Ram Niwas Sharma
Dean, School of Law
Chairman, Moot Court Society
IMS Unison University
Dehradun, Uttarakhand

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SCHEDULE

IMPORTANT DATES	
August 12, 2021	Release of Moot Proposition, Rules and Regulations of the Moot Court Competition
September 30, 2021	Last Date for Submission of Soft Copy of Registration Form with receipt of registration fee
October 15, 2021	Last Date for Submission of Memorials (Soft Copy) e-mail: sol.mootcourt@iuu.ac
October 28, 2021	Inauguration, Draw of Lots, Memorial Exchange & Researcher Test
October 28, 2021	Preliminary Rounds
October 29, 2021	Quarter Final Rounds and Semi-Final Rounds
October 30, 2021	Final Round, Valedictory & Prize Distribution Ceremony



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RULES AND REGULATIONS

I. ELIGIBILITY

The Competition is open for students pursuing three/ five year LL.B. Degree Course from recognized Law College/University in India, subject to fulfillment of the registration formalities.

II. TEAM COMPOSITION

Each team shall consist of maximum of three members (Two Mooters and One Researcher). All participants are mandatorily required to carry their University/College ID Cards during the online competition.

III. REGISTRATION

1. In order to confirm participation, teams of every Institution should register themselves as per schedule mentioned here in above. The registration process consists of the following two steps:

Each team is required to send the scanned copy of their duly filled-in Registration form along with the scanned copy of the NEFT/IMPS/UPI transaction details to email ID- sol.mootcourt@iuu.ac by **September 30, 2021**. Subject of the mail should bear “Registration Form for IMS UNISON UNIVERSITY 8th National Moot Court Competition- 2021” Details for Payment through e-mode such as NEFT/IMPS/UPI are as under:

Beneficiary Name	:	I M S U n i s o n U n i v e r s i t y
Account No	:	15262191003778
Bank	:	Punjab National Bank, Makkawala, Dehradun
IFSC Code	:	PUNB0152610

NOTE:

In case of payment through NEFT/IMPS/UPI original receipt along with the UTR No./Ref. No. is required to be submitted through e-mail (scanned copy) along with the Registration Form.

- Registration Form should be complete in all respect. Incomplete registration form or form with misleading information shall be rejected.

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- Registration Fee: Rs. 900/- (Rupees Nine Hundred only/-) for each participating team.
- Forms received after the deadline i.e. September 30, 2021 shall not be considered for registration.
- The Registration will be open on First Cum First Serve Basis.
- The Registration Fee shall not be refunded in case the Registered Team fails to appear for the competition or requisite number of team members fails to participate.

IV. CRITERIA FOR MEMORIAL SUBMISSION:

- Each team must prepare Memorials for both the sides.
- The teams must send soft copies of memorial for both the sides on or before October 15, 2021 to sol.mootcourt@iuu.ac

NO SUBMISSIONS SHALL BE ACCEPTED AFTER THE DEADLINE i.e. October 15, 2021.

• Format of Memorials *

- ☐ The memorial shall not exceed 40 typed A4 size pages.
- ☐ Body of Memorial shall include:
 - The Cover/Title Page
 - Table of Contents
 - List of Abbreviations
 - Index of Authorities / Table of Cases
 - Statement of Jurisdiction
 - Statement of Facts
 - Statement of Issues
 - Summary of Arguments
 - Arguments Advanced/Detailed Arguments.
 - Prayer/s
- ☐ The title page shall include:
 - The Name of the Court
 - The Year of the Competition The Name of the Case
 - The Name of the Parties
 - Team Code to be indicated at the top right corner in bold. (e.g. T1)
 - The title of the Document should be in the format like “Memorial for Javed & others” or “Memorial for Shazia for Shazia & other”
- ☐ The following contents shall be deemed to have been included within the stipulated page limit:
 - Pleadings
 - Conclusions
 - Annexure, if any
 - Appendices and foot notes

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Note-

- In no case, the page limit for Annexure should exceed 10 A4 size pages.
 - Any issue or pleading, not discussed within the Memorial, shall not be included in any other section of the Memorial.
 - Counsels are allowed to frame issues within the given facts in the moot proposition only.
 - Counsels are not allowed to introduce additional facts.
-
- ☐ The font of the body of the memorial should be Times New Roman, Size 12, line spacing 1.5 & headings should be 14. Bluebook 20th edition must be strictly adhered to for citations. Font Size of the cover page may be 14 or 16.
 - ☐ Memorials should be spiral bound/hard bound.
 - ☐ Memorials should have one (01) inch margin on all sides of each page.
 - ☐ Pages should be numbered at the bottom middle.
 - ☐ The memorial should not contain any photographs/ sketches/ exhibits/ affidavits etc.
 - ☐ Once the memorials have been submitted, no revisions, supplements or additions shall be allowed.
- Only the memorials received within the prescribed time schedule shall be evaluated by the Memorial Evaluation Committee (MEC) constituted by the Moot Court Society, IMS Unison University, Dehradun.
 - The evaluation will be done on the following parameters:

Criteria	Maximum Marks
Knowledge of Facts and Law	25
Extent and Use of Research	25
Proper and Articulate Analysis	20
Clarity and Organization	10
Correct Format and Citation	10
Grammar and Style	10

- Evaluation done by the Moot Court Society shall be final and binding on all the teams.

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V. RESEARCHER TEST

There shall be a Researcher Test on 28th October, 2021 and it shall be mandatory for all the researchers to take part in this competition. Best Researcher shall be adjudged by the marks obtained in the researcher test. However, the marks of the “Researcher Test” shall not be added to the mooting marks of any team.

VI. ROUNDS

- Preliminary- 20 mins per team (Maximum time for one speaker 12 minutes)
- Quarter Finals- 25 mins per team (Maximum time for one speaker 15 minutes)
- Semi Finals- 30 mins per team (Maximum time for one speaker 20 minutes)
- Quarter Finals- 45 mins per team (Maximum time for one speaker 30 minutes)

Note: Rebuttal (if available) shall be inclusive in the total time allotted to the team.

Note: The Moot Court Society shall have the exclusive right pertaining to all and any issues related to the 8th National Moot Court Competition. The decision of the Moot Court Society shall be final and binding and no team or participant whatsoever shall have any right to challenge the same.

Primary Rounds:

Preliminary Round

- Draw of lots:
 - ☐ Match-up of the teams shall be according to the Draw of lots which shall take place on October 28, 2021.
 - ☐ Each team shall argue from both the sides in the Preliminary Rounds. No team shall argue the same side and against the same team in the Preliminary Rounds.
- Arrangement of Ranking: The teams in the Preliminary Rounds shall be ranked based on below mentioned criteria:
 - ☐ The merit list shall be prepared based on cumulative scores of both the rounds. The top 8 teams selected after this round will proceed to the Quarter Finals.
 - ☐ In case of tie, marks of memorials shall be taken into consideration.
 - ☐ In case the tie subsists, there shall be a tie breaker round.

Advanced Rounds

Quarter Finals

- ☐ This shall be a knock-out round and each team shall represent only one side, to be decided by the draw of lots. The winner of each court-room shall be decided based on scores awarded by the judges in this round only.

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Note: The top 4 teams selected after this round will qualify for the Semi Final Round.

- **Semi Finals**

- ☐ This shall be a knockout round and each team shall represent only one side, to be decided by the draw of lots. The winner of each court-room shall be decided on the basis of scores awarded by the judges in this round only.

Note: The winners from each court room shall compete in the Final Round.

- **Final Round**

- ☐ The final round shall take place between the winners of the Semi-Final rounds. Each team shall argue from both the sides in the Final Round.

VII. PROCEDURE AND MARKING OF COURT ROUNDS

- Each team will get a total of 25 minutes to present its case in the Preliminary, Pre-Quarter and Quarter Final Rounds and 40 minutes for the Semi Finals and Final. This includes the time for rebuttal.
- The division of time per speaker is left to the discretion of the team. However maximum time allowed for each speaker shall not exceed 15 minutes for Preliminary and Quarter Finals and 25 minutes in the Semi Finals and Final.
- The arguments should be confined to the issues presented in the memorial only.
- Maximum scores for the court rounds will be 100 marks per speaker. The court rounds will be judged on the following parameters:

Criteria	Maximum Marks
Knowledge of Law	20
Application of Law to Facts of the Moot Proposition	20
Ingenuity and Ability to Answer Questions	20
Style, Poise, Courtesy, Dressing sense and Demeanour	20
Time Management	10
Organization	10

VIII. DRESS CODE

In the online court proceeding the participants shall be in the dress code stated below.

- Female(s): White Salwar and Kurta /White Shirt, Black Trouser and Black Tie along with Black Blazer and Black Shoes.

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- Male(s): White Shirt and Black Trouser along with Black Tie, Black Blazer and Black Shoes Nonadherence to the prescribed dress code shall attract penalty.

IX. AWARDS AND CERTIFICATES

• Categories of Awards:

- ☐ Winner of the Final Round will be given the “Best Team” award.
- ☐ Runner-up of the Final Round will be given the “1st Runner Up” award.
- ☐ Team placed at the 3rd position will be given the “2nd Runner Up” award.
- ☐ Team with the highest memorial scores will be given the “Best Memorial” award.
- ☐ “Best Mooter – Male” awards shall be determined on the basis of the total marks secured during the Preliminary Round.
- ☐ “Best Mooter- Female” awards shall be determined on the basis of the total marks secured during the Preliminary Round.
- ☐ “Best Researcher” will be provided based on marks obtained in the researcher test.

In addition to the above, certificate of Participation will be issued online to all the participants after one week of the event but certificate of Merit will be issued on the day of the valedictory.

XI. CODE OF CONDUCT

• COURT MANNERS (ORAL ARGUMENTS)

- ☐ The language for the Moot Court Competition shall be English only.
- ☐ Any form of communication between the Bar table and by any person other than those on the Bench is completely prohibited, and any indulgence in the same shall result in a penalty.
- ☐ Submission of any written material other than the memorials and any other documents related to the proposition in hand to the Bench prior to, during or after oral arguments is not allowed and any indulgence in the same shall result in a penalty.
- ☐ Failure to deliver an oral argument shall be considered in entirety, a disqualification.
- ☐ All the participants are required to have electronic device like laptop or desktop with good internet connectivity during the moot proceedings.
- ☐ All participants are expected to maintain the decorum of the Court during the online competition and are expected to conduct themselves in a manner befitting the legal profession.

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- **CHEATING, INTIMIDATION AND MISCONDUCT**

- ☐ Cheating or using of unfair means of any kind in online proceeding is strictly prohibited and if found indulged in, shall result in disqualification of the team.
- ☐ Intimidation in any form is prohibited and if found indulged in, shall result in disqualification of the team.
- ☐ Misconduct, whether behavioral or otherwise, is not allowed and any indulgence in the same shall result in disqualification of the team.

- **NON-COMPLIANCE WITH THE RULES OF THE MOOT COURT SOCIETY**

- ☐ The participants are required to comply with the rules formulated by the Organizing Committee during the Moot Court competition.
- ☐ In case of any non-compliance with the rules of the Moot Court Society penalty may be imposed by deduction of marks and the teams may also be disqualified after they have been warned once.

- **PENALTY**

- ☐ The penalties shall be levied as under for non-adherence to Competition Rules:
- ☐ Penalty for non-adherence of Memorial guidelines
 - Late submissions beyond the stipulated time period will attract 2 points penalty per memorial for each day of delay.
 - The memorial exceeding maximum number of Pages i.e. 40 A4 size pages shall attract 5 points penalty.
 - Introduction of additional facts in the memorial shall attract 5 points penalty per additional fact.
 - Use of incorrect font or font size, use of font of inconsistent size, improperly formatted index of authorities or improper line spacing shall attract 5 points penalty. Failure to include all parts of the memorial, or inclusion of an unremunerated part, substantive legal argument outside of approved sections of memorial, excessive length, failure to include necessary information on the memorial cover, inclusion of any identifying mark, character or text in the memorial shall attract 5 points penalty.
 - Exceeding prescribed time limit to a team for the oral rounds may attract up to 5 points penalty as per the discretion of the presiding judge.
- ☐ Penalty for misconduct during Pleadings
 - Any form of communication between the Bar table and by any person other than those on the Bench is completely prohibited, and any indulgence in the same, shall result in a penalty point of 1 Mark per communication.
 - Submission of any written material other than the memorials and any other documents related

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to the proposition in hand to the Bench prior to, during or after oral arguments is not allowed and any indulgence in the same shall result in a penalty point of 5 marks.

- Non adherence to the prescribed Dress code shall attract penalty of 5 marks per member of the team.

• DISQUALIFICATION

Notwithstanding anything written as a part of the above-mentioned rules, following shall result in disqualification of the team in entirety.

☐ The following shall lead to disqualification: -

- Misconduct with the judges or with the members of the Moot Court Society
- Any act which is not found befitting the standards of Legal Profession

XII. DISPUTES

Any dispute about the Moot Court Competition shall be referred to the Moot Court Society, before the end of the competition. The decision of the Moot Court Society shall be final and binding.

XIII. QUERIES AND CLARIFICATIONS

In case of any questions related to problems or clarifications regarding the competition, feel free to contact the following by September 30, 2021:

Email : sol.mootcourt@iuu.ac

Call for Queries

**Mr. Akarsh Khare
Ms. Shatakshi Singh**

**7233997478
7830196669**

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MOOT COURT SOCIETY

FACULTY CONVENER

Miss Shalini Saxena

FACULTY CO-CONVENER

Mr. Kshitij Rai
Ms. Kajal Choudhary

Advisor

Mr. Aditya Barthwal : 8279706407

Student Convener Moot Court Society

Anuj Malik	8901683945
Shivam Singh Chauhan	8818019754

Student Convener 8th National Moot Court Competition

Akarsh Khare	7233997478
Shatakshi Singh	7830196669

Student Co-Conveners

Shreya Kothiyal
Shaurya Kumar

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REGISTRATION FORM

INSTRUCTIONS: All participating teams are requested to fill in the details in capital letters with Blue/Black Ball Point Pen and a scanned copy of the filled form should be mailed to sol.mootcourt@iuu.ac to expedite allotment of the team code. Please read the Rules & Regulations of the competition before submitting this registration form.

1. UNIVERSITY/ INSTITUTION DETAIL

Name of University/ Institution:

Address of University/ Institution:

Name of Dean / HOD:

Telephone No.: Fax No.:

E-Mail:..... Website:

2.FIRST SPEAKER

Name: Gender:

Course: Year:

Mobile No:

Email:

Photo

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3. SECOND SPEAKER

Name: Gender:

Course: Year:

Mobile No:

Email:

PHOTO

4. RESEARCHER

Name: Gender:

Course: Year:

Mobile No:

Email:

PHOTO

5. DEMAND DRAFT /NEFT /IMPS DETAILS

Name of the Bank:

Demand Draft No/UTR No./Ref. No.:

Amount: Date:

Note: Demand draft should be in favor of "IMS UNISON UNIVERSITY" payable at Dehradun.

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6. DECLARATION BY THE TEAM MEMBERS

We hereby certify that the information given by us is true and complete in all material respect.

We also undertake to abide by the Rules & Regulations of the Moot Court competition.

Signature (Speaker 1)

Signature (Speaker 2)

Signature (Researcher)

Date:

Seal and Signature of the Head of the Institution

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MOOT PROPOSITION

- ❑ The State of Indiana is a Sovereign Democratic Republic country situated in the south-eastern part of Masia, which enjoys a rich cultural and traditional heritage. Indiana got its independence in 1947 from the Nitishers, who ruled Indiana for over two centuries and exploited the residents of Indiana. Post gaining independence, the drafters of the Constitution of Indiana laid special emphasis on fundamental rights of the citizens. The Directive Principles of State Policy (“DPSP”), enshrined in Part IV of the Constitution of Indiana reflect that Indiana is a welfare state and in furtherance thereof the Government of Indiana has launched several programmes pertaining to health, food safety, health insurances etc. Indiana is bordered by the States of Myna, Bakistan, Tutan and Shangladesh.
- ❑ In the Muruguay Round of the General Agreements on Tariffs and Trade (“GATT”), the Agreement on Trade-Related Aspects of Intellectual Property Rights (“TRIPS”) was negotiated between the members of the World Trade Organisation (“WTO”). The purpose of this agreement was to establish parity between the rules/statutes governing the intellectual property rights in the member countries of the WTO. In 2001, the Doha Declaration on the TRIPS Agreement and Public Health was adopted by the WTO Ministerial Conference of 2001. It provided for flexibility to the members of the TRIPS for imposing certain restrictions on the patent rights to achieve better access to health facilities.
- ❑ The relevant paragraphs of the Doha Declaration, are being provided hereunder:
- ❑ The TRIPS Agreement does not and should not prevent Members from taking measures to protect public health. Accordingly, while reiterating our commitment to the TRIPS Agreement, we affirm that the Agreement can and should be interpreted and implemented in a manner supportive of WTO Members' right to protect public health and, in particular, to promote access to medicines for all.
- ❑ In this connection, we reaffirm the right of WTO Members to use, to the full, the provisions in the TRIPS Agreement, which provide flexibility for this purpose.
- ❑ Accordingly and in the light of paragraph 4 above, while maintaining our commitments in the TRIPS Agreement, we recognize that these flexibilities include:
 - In applying the customary rules of interpretation of public international law, each provision of the TRIPS Agreement shall be read in the light of the object and purpose of the Agreement as expressed, in particular, in its objectives and principles.
 - Each Member has the right to grant compulsory licenses and the freedom to determine the grounds upon

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which such licenses are granted.

- Each Member has the right to determine what constitutes a national emergency or other circumstances of extreme urgency, it being understood that public health crises, including those relating to HIV/AIDS, tuberculosis, malaria and other epidemics, can represent a national emergency or other circumstances of extreme urgency.
- The effect of the provisions in the TRIPS Agreement that are relevant to the exhaustion of intellectual property rights is to leave each Member free to establish its own regime for such exhaustion without challenge, subject to the MFN and national treatment provisions of Articles 3 and 4.

- ☐ We recognize that WTO Members with insufficient or no manufacturing capacities in the pharmaceutical sector could face difficulties in making effective use of compulsory licensing under the TRIPS Agreement. We instruct the Council for TRIPS to find an expeditious solution to this problem and to report to the General Council before the end of 2002.”
- ☐ The Alliance Group is one of the largest corporate conglomerates based in the State of Indiana, which has its business spread in a number of states in and around Masia. There are several controversies pertaining to the relations of the Alliance Group to the political party in power in Indiana. In the year 2017, Alliance Group introduced a proposal for setting a Vaccine Research and Manufacturing Institute before the Ministry of Health and Family Welfare, Government of Indiana.
- ☐ After several rounds of discussions and deliberations, it was mutually agreed that the Alliance Group would set up the institute in partnership with the Government of Indiana whereby, the Government would invest 50% of the total proposed amount. The VERUM INSTITUTE was inaugurated by the Hon'ble Prime Minister of Indiana in 2019. As per proposal, the VERUM INSTITUTE started manufacturing and supplying vaccines to the Central and State Government at marginal rates.
- ☐ Towards the end of 2019, the news of spread of a fatal virus named Mortal Virus A.k.a. MOVID-19 spread from the province of Goohan in the State of Myna. As per early reports, MOVID-19 was transmitted to humans from bats. Within no time, the virus spread throughout the world to an extent where the World Health Organization (“WHO”) declared it as a pandemic.
- ☐ In the month of March, 2020, the State of Indiana was hit by the wrath of the MOVID-19 pandemic resulting into a nationwide lockdown for a period of two months. As a result of the MOVID-19, thousands of people died and many lost their source of livelihood, in order to tackle the same, the State and the Central government of Indiana launched many schemes and programmes to mitigate the disastrous impact of the MOVID-19 pandemic.

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- ❑ Subsequently, pharmaceutical companies saw this as an opportunity and started conducting intensive research on the virus with the object to developing vaccines for curing the virus. Concurrently, the VERUM INSTITUTE in collaboration with the Boxword University, also started its research and development towards developing a low-price vaccine for the State of Indiana.
- ❑ By the end of May, 2020, the state of Indiana was able to control the spread of the first wave of MOVID-19 and the process of unlock had begun in majority of regions in Indiana. In the meantime, several vaccines had started undergoing trial in different parts of the world. The VERUM INSTITUTE also started the testing of its vaccine by the name of MOVISHIELD.
- ❑ In September, 2020, DIZER, a pharmaceutical company based in the Joint States of Camaria, applied for the patent of its vaccine– MOVAXIN, which was already patented in the Joint States of Camaria.
- ❑ The VERUM INSTITUTE completed the successful trials of the MOVISHIELD VACCINE in 2020. After the successful trial of MOVISHIELD VACCINE, the Government of Indiana launched a state sponsored vaccination programme for the senior citizens of Indiana. Subsequently the programme was extended to the persons aged between 45 to 60 years. MOVISHIELD was priced at INR 450 per dose. Meanwhile, MOVAXIN was granted patent by the authorities after following the due process of law and was priced at INR 1000 per dose.
- ❑ Towards the end of March, 2021, the State of Indiana was hit by the second wave of the MOVID-19 pandemic, causing numerous deaths and casualties. Indiana became the epicentre of the MOVID-19 pandemic and the medical infrastructure Indiana was on the verge of collapse.
- ❑ Meanwhile, the Government of Indiana decided to expand its vaccination programme to all the citizens above the age of 18 years, however, the only impediment before the government was the availability of adequate number of vaccines. The number of MOVISHIELD vaccines supplied by the VERUM INSTITUTE were limited and the government was facing backlash from the public at large.
- ❑ Several Public Interest Litigation Petitions (“PIL”) were filed before the Hon'ble Supreme Court of Indiana and various High Courts in various states of Indiana, whereby the questions pertaining to the slow rate of vaccination and the measures to control MOVID-19 were raised.
- ❑ In one such petition bearing PIL No. 2011/2021, Johan v. Union of Indiana and Ors., the Hon'ble Supreme Court of Indiana vide its order dated 11.04.2021, directed the Health Commissioner of the Union of Indiana to take immediate measures to enhance the availability of the vaccines in Indiana.
- ❑ On 16.04.2021, the Union of Indiana made an amendment in Section 100 of the Patents Act, whereby adding sub-section 1A:

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“1A- Notwithstanding anything contained in this Act, the Central Government or any official authorized in writing by it shall have the right to use or license the use of any such patent that has been granted under this Act, subject to the payment of reasonable fee or profit

Provided that, the government may also share the know-how, if the patented product is to be used for public welfare.

Provided further that, the patent may be used or licensed without the prior permission of the patentee, after giving justification for the same.”

- ❑ Thereafter on 25.04.2021, the Health Commissioner issued a letter to the management of DIZER, informing them that the Government had decided to use and license MOVAXIN to the local vaccine manufacturers in India, for the purpose of enhancing the vaccine production in India. The letter also clarified that the license to manufacture MOVAXIN was granted to the VERUM INSTITUTE. It was also stated that an amount of INR 450 shall be paid to DIZER for every vaccine manufactured by the State or its agencies/ licensees.
- ❑ That aggrieved by the letter dated 25.04.2021, DIZER preferred a representation dated 26.04.2021 before the Ministry of Health and Family Welfare against the use of patent held by it without its permission and in less or no profit margin.
- ❑ Further, DIZER saw a massive drop in its share price as its competitor got benefitted by the amendment and directly acquired the entire know how for the vaccine and started selling in the open market. DIZER in its representation stated that the methodology behind manufacturing the vaccine is unique and exclusive and same cannot be made publicly available as it would affect its future market and upcoming products.
- ❑ DIZER also suggested that rather than sharing its patent and know-how, government can consider granting DIZER subsidy for increasing production and distribution of the vaccine in Pan-India basis. Further, DIZER also suggested that if granted subsidy DIZER will keep the price of the medicine at INR 450 subject to daily production of INR 1 Crore unit of vaccine, which is 10 times more than government's ordinary scheme.
- ❑ That on 27.04.2021, the Ministry of Health and Family Welfare, responded, whereby it was categorically mentioned that the letter dated 24.04.2021 had been issued in compliance of the law in force and that the representation of DIZER had no force in law whatsoever.
- ❑ That aggrieved by the letter dated 27.04.2021, DIZER preferred a Writ Petition bearing no. 1120/2021, before the Hon'ble High Court of Delhi, challenging the amendment dated 16.04.2021 and the letter dated 25.04.2021.
- ❑ That the Hon'ble High Court of Delhi, vide order dated 10.05.2021, partially dismissed the petition filed by DIZER on the ground that the Union Government was justified in its act of using and licensing the patent held

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by DIZER, however, the High Court directed the Union Government to reconsider the royalty determined for the use of the patent by the Government of Alliance.

- That aggrieved by the order of the Hon'ble High Court of Delhi, DIZER preferred a Special Leave Petition before the Hon'ble Supreme Court of India. The matter is up for final hearing on the following issues?
 - Whether the Special Leave Petition filed by the petitioner is maintainable or not?
 - Whether the Amendment dated 16.04.2021 is valid in terms of the TRIPS Agreement or not?
 - Whether the letter dated 25.04.2021 is violative of the provisions of Part III of the Constitution of India?
- ✦ The Teams may frame one additional issue as per their understanding of the moot proposition.
- ✦ The laws of India are pari materia to that of India.
- ✦ Any attempt of solicitation with the Moot Court Committee, shall be a ground for disqualification of teams.
- ✦ The Moot Court Society, IMS Unison University holds the copyright of the above-mentioned moot proposition and any un-authorised use may invite legal consequences.

KNOWLEDGE PARTNERS :



**IMS UNISON UNIVERSITY
DEHRADUN**

IMS UNISON UNIVERSITY DEHRADUN 8th NMCC, 2021