



INDORE INSTITUTE OF LAWTM

(Affiliated to DAVV & BCI, an Autonomous Law College with NAAC A+ Grade)

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SMT. NIRMALA DEVI BAM MEMORIAL INTERNATIONAL MOOT COURT COMPETITION

17TH - 19TH MAY 2024

IN ASSOCIATION WITH



nttl advocare



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MOOT COURT COMPETITION

CHAPTER
VI

KNOWLEDGE PARTNER



MEDIA PARTNER



SUPPORTING PARTNERS



SKILLS PARTNER





ABOUT



ICON EDUCATION SOCIETY

— 20 Years of Excellence in Education —

The advent of ICON EDUCATION SOCIETY in the year 2003 was a small step towards this direction. Today it holds a AUTONOMUS status with NAAC A+ grading. The Society started with a small Law College for Youngsters, it has today emerged as a stronger body embedded with a Galaxy of 3 Institutes of high repute, christened together as Indore Institute of Law, Idyllic Institute of Management, Indore Nursing College Group of Institutions and spread in 8 Acres campuses around Indore City. In this competitive and dynamic environment,

the Law and Management education needs to prepare students, who will be our future Lawyers and Managers, with a new perspective on the emerging issues in Law and Management. Based on the strong foundation of Ethics, Positivism, Passion and Excellence, IIL is destined to prepare its students intellectually to stand up, speak out and achieve in all walks of life in the competitive world. ICON Education Society dedicates this outcome to the young aspiring students of the country and presents the concise version to them.



ABOUT



INDORE INSTITUTE OF LAW[®]

(An Autonomous Institute, Affiliated to DAVV & BCI, New Delhi)

Indore Institute of Law was established in the year 2003 with the vision of bringing intellectual awakening and all-round development of our country through education in the field of law. In short span of time the institute has created a history of being the only institute in private sector to offer all Law Courses i.e. B. A. LL. B (Hons.), B.B.A. LL. B(Hons.), LL. B. (Hons.) & LL. M. under one roof and has started a new course B.B.A.LL. B (Hons.) Transnational & Global Studies with the aim to provide global exposure of both education and industry. The institution has always prioritized the overall development of the students. It is well

reflected in the academic growth of IIL along with the promotion and participation in the extra-curricular activities. Maintaining its level of high standards, IIL created history by being the only law college in India with NAAC A+ grade with a score of 3.45 in its first cycle. Now, IIL has also achieved the AUTONOMOUS status. IIL is glad to share the academic excellence of the college which is authenticated by our students who bagged top 38 universities out of 40. Further to hone the skill, IIL in association with Enhelion Indian Pvt. Ltd. Provide the students with 5 Diploma Courses in 5-year Law course.





ACCOLADES



Ranked among the best law colleges in Central India, Indore Institute of Law is one of the Best Law college of India and is ranked 1st in private law colleges of MP/CG/Rajasthan by India Today, Outlook and The Week. Keeping up with the high standards, IIL created history by being the only law college in India with NAAC A+ grade with a score of 3.45 in its first cycle. IIL has been awarded The Best Private Law College of Madhya Pradesh and Chhattisgarh in 2015 and 2016 and is also conferred 'The Excellence in Indian - 2017'. IIL is recognized by the Bar Council of India, New Delhi and has been awarded 'The Best Educational Building of Central

India' by Dainik Bhaskar and Ernst & Young in the year 2012 and 2013 consecutively. The 'Animal Moot Court' organized at IIL on World Environment Day June 5, 2016 won accolades in "The Golden Book of World Records, USA" with 171 students participating in the event. The institute has signed MOUs for the internships with the top corporate firms and has impressive list of in-house publications. Elevating the level of education to the international level, visits of students have been facilitated on a regular basis to The International Court of Justice and the International Criminal Court, Hague, Netherlands.





MESSAGES FROM PATRONS



Mr. Kantilal Bam
Chairman, Icon Education Society

There are so many people who have great talents, but do not seem to use it. Many times, you will be able to easily triumph over those who are gifted but unwilling to work hard enough to cope with your efforts. Hard work and a good dose of determination can lead you anywhere, even if you are not the most talented in this area. Think about all those super talents in your preferred area of law. Only those talents who are willing to make an extra effort will be able to succeed. Otherwise, less talented people will outperform them with their boundless willingness to do extraordinary work.



Dr. Akshay Kanti Bam
Chairman, Indore Institute of Law

Since its inception Indore Institute of Law has been committed to impart value based standard legal education. Every year IIL conducts various flagship competitions for promotion of the quintessential practical skills for students of Law. As the Chairman of the Institution, I am delighted to invite all the young minds with extraordinary talent to be part of the VI Smt. Nirmala Devi Bam Memorial International Moot Court Competition, 2024. This competition is conducted in the remembrance of my respectful late mother Smt. Nirmala Devi Bam who was not only a great philanthropist but also a very generous lady at heart. We are looking forward to the battle of wits and find a new champion of this competition.



Prof. Dr. Manpreet Kaur Rajpal
Director & Dean, Indore Institute of Law

In its VI Chapter of the Flagship competition, Indore Institute of Law is looking forward to host the best teams of the nation for the International Moot Court Competition, for me it is an honor and a pleasure to invite your esteemed institution to the Flagship Competition on behalf of the Organizing Committee, of IIL take great pride in welcoming all the participants to the VI Smt. Nirmala Devi Bam Memorial International Moot Court Competition 2024, from 17th-19th May, 2024.



Prof. Dr. Vinod Patidar
Principal, Indore Institute of Law

The main business of a lawyer is to take the romance, the mystery, the irony, the ambiguity out of everything he touches. If you want the pinnacle of success in the legal profession then you have to live like a hermit and work like a horse. We look forward to your kind presence in the VI Smt. Nirmala Devi Bam International Memorial National Moot Court Competition from 2024, from 17th-19th May, 2024. Under her ages IIL has attained NAACA+ & Autonomous Status.



ASSOCIATE & EDUCATIONAL PARTNER



ABOUT LEDX

LedX-Legal Education by Experts is a dedicated legal online learning platform, changing the way legal education is taught, delivered, and utilized. Our expertise across the vast courses and sectors covers varied and nuanced needs with a constantly evolving legal, regulatory, and business environment. LedX is harnessing legal education through app-based learning, online professionals, and student community and course delivery beyond the traditional education system through a single platform, making legal education easily accessible worldwide. We are creating an ecosystem of Instructors, legal experts, working professionals who have deep knowledge and understanding of law, content, and learners under one roof. We act as a tutor and guide to assist them in fulfilling their goals. We strive for

excellence with each course. Students can access their courses virtually and from any location. Our online training programs are catered to individuals where we offer personalized, practical, and industry-based learning by expert mentors. With over 50 courses, 250 hours of content, 400 legal experts on board, 150 influencers, Live Classes, Innovative legal competitions, we are making sure of leaving no stone unturned for our student & growth and development in the professional environment. This platform is an output of research and consultation conducted by Think-Tanks and pioneers of legal education aiming to impart legal education in every nook and corner of the country, regardless of geography, Institutional affiliations, or professional obligations; an opportunity to become professional qualifications.



ASSOCIATE & EDUCATIONAL PARTNER



Firm Bio

Established in 1991, Inttl Advocare has firmly established itself as one of India's leading boutique Intellectual Property (IP) law firms. With expertise spanning IP prosecution, and enforcement, and a strong presence in emerging fields such as Information Technology, Telecommunications, Media, and Anti-trust laws, Inttl Advocare has become a stalwart in the legal landscape of India. The firm operates from three locations, Delhi NCR, Mumbai, and Bengaluru having a team of approximately 100 dedicated professionals and six partners, each contributing to the firm's sterling reputation.

The visionary behind Inttl Advocare's success is Mr. Hemant Singh, the Managing and Founder Partner. A distinguished litigator with close to four decades of experience, Mr. Singh was admitted to the Bar in 1984 and has since been instrumental in shaping IP jurisprudence in India. His prolific career is highlighted by his handling of over 2,500 IP litigations in various Indian courts. As a registered Patent Agent, Mr. Singh has also spearheaded several landmark IP cases, solidifying his position as a legal luminary in the field. His commitment to the IP ecosystem extends beyond his legal practice; he served as the Chairman of the National Council on Intellectual Property Rights (IPR) of ASSOCHAM

from 2010 to 2016 and has held significant positions in organizations like AIPPI (Indian Group) and APAA (India Group). Further, Ms. Mamta Jha, Senior Partner and Head of Litigation & Opposition, is a pioneering force at Inttl Advocare. Ms. Jha is a practicing lawyer with over two decades of experience in litigation, with expertise in Intellectual **Property & Information Technology laws.**

The firm offers a multi-jurisdictional practice, efficiently handling IP litigation and prosecution not only across India but also in neighboring countries such as Nepal, Sri Lanka, Bangladesh, Myanmar, Pakistan, Maldives, and more. This expansive reach underscores the firm's commitment to providing its clients with comprehensive legal support on a global scale.

The firm's dedication to excellence has earned it numerous accolades, including the prestigious "Excellence in IPR" by Economic Times Legal Awards 2023, "Best IP Law Firm of the Year" by BW Legal World, and "Best Trademark Counsel – Global Award 2014" by Novartis Pharmaceuticals to name a few. Additionally, Inttl Advocare's outstanding practice has garnered recognition in several premier international publications such as Chambers and Partners, Legal 500, Managing IP, Benchmark Litigation, Asia law, and more.



Hammurabi and Solomon Partners

'Hammurabi & Solomon Partners' was founded in the early 2001 under the strong leadership of Dr. Manoj Kumar, hailing from a family of reputed law makers.

Ranked amongst the top 15 law firms in India, our journey has been marked by stellar growth and recognition. Our mission is simple: delivering top-tier legal solutions with a client-focused approach. Paving our way into the legal landscape, with over 16 partners handpicked from the top of their fields, we drive positive change in India and beyond.

Our integrated services blend law; policy, regulation, and justice, ensuring clients navigate the Indian legal landscape seamlessly. At H&S Partners, we prioritize quality, results, and innovative problem-solving, offering dependable and tailored counsel. Our approach is to ensure client satisfaction through superior service, prompt solutions, and deep sector expertise.

ASSOCIATE WITH KNOWLEDGE PARTNERS



CYBERTALKINDIA

"CYBERTALKINDIAo established in the year 2018, is an ISO 9001: 2015 Certified and registered under Ministry of Micro, Small & Medium Enterprises, GOI which aims to focus on cyber security training and skill development about digital citizenship and internet safety. With the cashless economy boom, there is a pressing need to create a cyber-aware generation. CYBERTALKINDIA has an experience of working with the School Kids, College Students, Professionals, Law Enforcement Agencies and Senior Citizens on the lines of Cyber Security Awareness. CYBERTALKINDIA also offer dedicated courseware on Cyber Security, Cyber Law, and Internet Maturity Education and there are many more things which is useful for NETIZENS. CYBERTALKINDIA is working day and night for the cyber safety as well as the cyber consultancy to many government as well as non-government organization. CYBERTALKINDIA has completed more over 100+ schools of different cities for the cyber safety awareness and has spoken more than 20k+ students about their safety rights.

CYBERTALKINDIA has been associated with many renowned personalities as their advisor from England to India . CYBERTALKINDIA has also been collaborated with Oriental University, Indore for Training & Educational Purpose. CYBERTALKINDIAo believes that publication is one such mode to express our views in a different part of the country with this thought CYBERTALKINDIAo believes that publication is one such mode to express our views in a different part of the country with this thought CYBERTALKINDIA started CYBERLEKH PUBLICATION'S (an imprint of cybertalkindia) it's own publication wing to make awareness through our writings and also by the writings of the young Netizens. CYBERTALKINDIAo has been recognized by many governments, nonprofit organizations, advocates firms, corporates and also with many educational institutions. CYBERTALKINDIAo has recently been awarded with the most prestigious award in the category of "VIRTUAL STARTUP OF THE YEAR" by The Indian Awaz at Guwahati.



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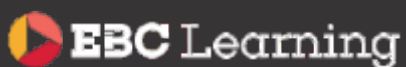
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of Eastern Book Company - a group recognized and respected for its contribution to legal literature worldwide.

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has traditionally published a wide range of legal commentaries, student texts, law reports and digests. Today its products include pioneering works both in the print and electronic medium. The EBC Group has brought to you Supreme Court Cases (SCC), SC Yearly Digest and Complete Digest, SCC Online, EBC Webstore, EBC Student Books and Practitioner Commentaries, EBC Reader, SCC Online Blog, EBC Explorer and the Practical Lawyer magazine.

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content which is available on SCC Online.[®] So no matter whether it's a case you're arguing, an opinion you're drafting, a transaction you're finalising or an opinion you're seeking all the content is there in one place: Indian, Foreign and International.

❁ ASSOCIATE WITH SUPPORTING PARTNERS ❁

Li Legus Intellect

- **LEGUS INTELLECT**

LEGUS INTELLECT is a leading law firm in India which is a dynamic business solution practice aimed at providing clients with comprehensive legal advisory services and solutions in multiple practice areas, across all industrial sectors. has been established with intention to provide the quick effective and best services in the field of TRADE MARK, COPYRIGHT, PATENT, DESIGN REGISTRATION AND ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHT ETC. and thing which affects the legal issues (litigation and non-litigation matters of related aspects and all kind of registration through a team of advocates and other staff who are very much versed in this domain and responsive. We assist in the matter of infringement and passing of intellectual property rights.

With a rich legacy of Eight years, our firm is today one of the most distinguished and recognized law firms in India. We strongly believe that our success has been made possible by our stellar team and trusting clients. Over the years we have developed a unique skill set specialized around prosecution, enforcement and litigation of IP rights in India as well as several other jurisdictions, offering reliable legal counsel to both national and international clients. Our approach to every case is business-centric, and we are well-aware of the risks of adopting a one-size-fits-all methodology to protecting IP assets. Having an experienced and proficient team of around 10 lawyers, 5 partners and a support staff of around 20, Legus Intellect is swiftly expanding to become one of the foremost legal advisory practices in the country.

Invitation

To,

The Vice Chancellor/ Director/ Dean/ Head/ Principal

Sub: Invitation for the 6th Smt. Nirmala Devi Bam Memorial International Moot Court Competition.

Dear Madam/Sir,

Greetings of the Day!

In the 21st year of its inception, Indore Institute of Law is pleased to announce the "VI Smt. Nirmala Devi Bam Memorial International Moot Court Competition," from 17th-19th May, 2024. The organizing committee on behalf of Indore Institute of Law would accept the honor and privilege to invite and host the Law students to glorify and embellish the event.

On behalf of the Institute, we would like to invite your acclaimed institution to participate in this enriching experience. Indore Institute of Law after the resplendent success of incessant 'twelve' Chapters of Lex Bonanza has now initiated the flagship Competition in Moot Court.

As a leading institution of this country, we endeavor to provide budding lawyers the best possible exposure in terms of practical experience, and we believe that by organizing such academic events, we strive to achieve that aim.

It gives us immense pleasure to extend our heartfelt invite to your esteemed institution to participate and make this event a grand success. This event incites to provide a platform to the students and faculty of law to sharpen their minds and showcase their legal knowledge.

We expect your response and look forward for an opportunity to welcome your team at Indore Institute of Law, Indore.

Warm regards

Prof (Dr.) Manpreet Kaur Rajpal

Director & Dean, Academics

Indore Institute of Law, Indore



SMT. NIRMALA DEVI BAM MEMORIAL INTERNATIONAL MOOT COURT COMPETITION

Nirmala Devi Bam Memorial International Moot Court Competition is a flagship competition of Indore Institute of Law. This competition started from 2019 in the loving memory of Mrs. Nirmala Devi Bam (beloved mother of Mr. Akshay Kanti Bam, Chairman Indore Institute of Law)

The first and the inceptor chapter of Smt. Nirmala Devi Bam Memorial International Moot Court Competition was organized from 10th to 12th May 2019, Indore Institute of Law felt the tremendous heat that the participants brought with them the first of its kind chapter 1st of this flagship competition. Colleges across the country cemented their positions as participants in the competition. The atmosphere witnessed a showcase of great teamwork and our judges profusely asked questions to check the knowledge and skills of the teams. The event was the utter display of dedication of both, the participants as well as the strong Moot court society of IIL.

The second edition of Smt. Nirmala Devi Bam Memorial International Moot Court Competition was organized from 15th to 17th May 2020. That year we had collaboration with the India's oldest firm the Hammurabi and Solomon Partners. The Moot Proposition was based on Insolvency and Bankruptcy Code. Initially the competition was supposed to be organized on a regular mode but due to COVID – 19 pandemic and country's lockdown the competition was organized through online mode. In spite of the lockdown and inception of online mode, we witnessed a great zeal among the participants. We locked the registration of 45 teams, out of them one was international and other teams were from NLU's as well as leading schools of the country. Online orientation was conducted not only for the participants but also for the judges to address their doubts regarding the Microsoft Teams software. The chief guest of the inaugural ceremony was Dr. Manoj Kumar (Managing partner at Hammurabi and Solomon Partners).

The 3rd edition of Smt. Nirmala Devi Bam Memorial International Moot Court Competition was organized

from 28th to 30th May 2021. The Moot Court Society along with the Placement Society got the opportunity to organize and conduct this 3rd edition of the International virtual moot court competition. In this esteemed competition, two international teams also participated which were from Nepal and Pakistan. The event was spreaded in the magnificent celebration of three days and comprised of Preliminary, Quarter final, Semi-Final and Final rounds and was graced by the benevolent presence of our patrons and legal luminaries. A total of 41 teams participated in this event.

The 4th Edition of Smt. Nirmala Devi Bam Memorial International Moot Court Competition was organized from 13th to 15th May, 2022. This year, we had collaboration with the India's oldest law firm the Hammurabi and Solomon. In spite of the lockdown and inception of online mode we witnessed the great zeal among the participants. We locked the registration at 24 teams, NLU's as well as leading law school of the country. The orientation was not only for the participants, we also had a separate orientation for the judges of all rounds to make them acquainted.

In the 5th edition, Indore Institute of Law conducted the III Smt. Nirmala Devi Bam Memorial International Online Moot Court Competition, 2023. The Moot Court Society along with the placement Society got the opportunity to organize and conduct this fifth edition of the International Moot Court Competition. In the esteemed competition, two international teams also participated which were from UAE and Pakistan, and this grand event was spread in magnificent celebration of three days and comprised of Pre., Quarter Final, Semi-Final and Final Rounds and was graced by the benevolent presence of our patrons and legal luminaries. A total of 18 teams including 2 International Team from UAE and Pakistan.



DAY SCHEDULE

DAY 1

The first day of the competition will begin with registration of all teams at 11:00 AM, then launch will be provided to all the participants after that at 1:30 PM draw of lots and memorial exchange will be done, followed by a Researcher Test at 2 PM.

DAY 2

The pre rounds will begin at 10:00 AM on 17th May, 2024. The rounds will last till 12:00 hrs. Pre round 2 will begin at 11:30 PM and last till 12:30, The Inaugural Ceremony will start at 12:30 PM. The ceremony will be marked by Hon'ble Justice M.R Shah (Judge Supreme Court Of India) and Quarter final round started at 15:00 hrs last till 16:30 PM.

DAY 3

Semi Final Round will start on 19th May, 2024 at 10:00 AM. The evening will be marked by the presence of the Chief Guest Honorable Justice Dinesh Maheshwari (Judge, Supreme Court of India) and Guest of Honor Honorable Justice Dr. Kaushal Jayendra Thaker (Judge, Allahabad District Court).

After paying obeisance to Goddess Saraswati, the opening speech will be delivered by Shri Kanti Lal Bam Ji, Chairman ICON Education Society followed by the

words of our Chief Guest and Guest of Honor. The winners will be announced by the Hon'ble Chairman of Indore Institute of Law Dr. Akshay Kanti Bam followed by the enlightening words of Dr. Manpreet Kaur Rajpal, Dean and Director, Indore Institute of Law in presence of our Management staff, Faculty Members, IT Department, Anchors, students and participants.

GLIMPSE





TABLE OF CONTENT



- 
- Moot Proposition

 - Rules And Regulations

 - Competition Format

 - Memorial Specifications

 - Evaluation Method

 - Prizes- Winners And Runners

 - Registration Process

 - Important Dates And Miscellaneous Information

 - Organizing Committee - Details

CHAPTER VI - SMT. NIRMALA DEVI BAM INTERNATIONAL MOOT COURT COMPETITION, 2024 - MOOT PROPOSITION



1. The Republic of Indivar, a South Asian nation, is comprised of 29 States and 7 Union Territories. It operates under a written Constitution, adhering to a parliamentary democratic system of governance. With a population exceeding 1.3 billion, according to the latest census, Indivar is recognized as the second-most populous country globally. Spanning a diverse geographical area, it ranks as the seventh-largest country by land mass and hosts approximately 17.7% of the world's total population. Indivar boasts a rich cultural heritage and has experienced rapid economic growth, emerging as a significant player on the international stage.
2. Indivar's commitment to innovation and development is evident in its legal framework, especially concerning Intellectual Property Rights (IPR). The country has a robust IPR policy, aligned with global standards, to foster an environment conducive to creativity and innovation. This policy framework reflects Indivar's recognition of the critical role intellectual property plays in driving economic growth, attracting foreign investment, and enhancing global competitiveness. In recent years, Indivar has made substantial strides in strengthening its IPR infrastructure, including streamlining processes for IP registration and enforcement, and enhancing awareness and education regarding IP rights among its populace.
3. The advent of the digital era has positioned Indivar as a key market for global e-commerce, with its rapidly expanding internet user base and digital literacy. This digital transformation has not only reshaped consumer behavior but also posed new challenges and opportunities for businesses operating within and beyond Indivar's borders, particularly in the realm of intellectual property and trademark rights. The increasing importance of

online marketplaces and digital platforms has highlighted the need for a nuanced understanding of transborder trademark issues.

About Zentara Cosmetics Pvt. Ltd.

4. Zentara Cosmetics Pvt. Ltd., an esteemed entity in the cosmetics industry, has been captivating the Republic of Indivar market with its innovative and quality beauty products under the registered trademark "Zentara" [presented in a distinctive font with a lotus emblem], encapsulating the essence of its brand identity since its inception in 1998. The company's headquarters are situated in Dilli, Republic of Indivar, with its earliest trademark registration obtained in Republic of Indivar in 2000.

Global Expansion and Trademark Registration

5. Zentara has expanded its reach globally, operating in over 60 countries, with a significant online presence that has been bolstered by the surge in e-commerce. Despite not having a physical presence in every country it serves, Zentara has managed to maintain a robust international customer base through various online platforms, including its own e-commerce site and third-party retailers. In anticipation of further expanding its market, Zentara has initiated the process of trademark registration in several other jurisdictions including Canadiana, with the application currently undergoing examination.

ZenTerra Beauty Inc.'s Market Entry

6. ZenTerra Beauty Inc., a Canadiana startup established in 2018, has emerged as a promising name in the realm of eco-friendly and sustainable cosmetics. The company has adopted the trademark "ZenTerra" [styled with a green leaf motif], under which it has been retailing its products

primarily in Canadiana. ZenTerra's business model heavily relies on online sales, offering international shipping to cater to a global clientele, including consumers in the Republic of Indivar.

Online Sales and International Reach

- Both Zentara and ZenTerra leverage online sales platforms to reach a global audience. ZenTerra, despite its primary market being Canadiana, offers international shipping, inadvertently serving customers in countries where Zentara operates, including Indivar.

Discovery of Trademark Similarity

- In 2022, Zentara, while strategizing its official launch in the Canadiana market, discovered ZenTerra's use of a phonetically and visually similar trademark for identical goods through ZenTerra's online platform. Zentara alleges that this similarity has led to confusion among its existing and potential customers, adversely affecting its brand's reputation and sales.

Zentara's Legal Action in Indivar

- Zentara's legal team has initiated legal proceedings and seeking relief in Indivar. They contend that ZenTerra's actions constitute trademark infringement and unfair competition based on ZenTerra's online sales to Indivar consumers and the purported similarity between the trademarks.
- ZenTerra defends its position by asserting its

legitimate interest in using the "ZenTerra" mark, emphasizing the local origin of its brand name, and arguing the distinct visual elements of its trademark differentiate it sufficiently from Zentara's. Furthermore, ZenTerra claims that its use of the mark predates Zentara's attempts to enter the Canadiana market and that it operates primarily within Canadiana, with only incidental sales to customers in Indivar through its online platform such as Vipkart, Republic of Indivar Mart and Mantra etc.

- Zentara contends that ZenTerra's online sales, including shipments to Indivar, constitute direct competition in Zentara's primary market, warranting consideration under trademark infringement.

Judgment Of The District Court Of Dilli

- The District Court in Dilli, adjudicating the dispute, ruled in favor of ZenTerra, holding that the trademarks in question are distinguishably different in appearance and that, given the separate primary markets of operation for both companies, there is minimal likelihood of confusion. The Court also noted ZenTerra's bona fide adoption and use of its mark within Canadiana and found no substantial evidence of deliberate infringement targeting the Republic of Indivar market.

Appeal Before The Hon'ble High Court Of Dilli

- Dissatisfied with the District Court's decision, Zentara has appealed to the High Court of Dilli,



challenging the lower court's findings. Zentara argues that the District Court failed to adequately consider the global reach of both companies' online sales platforms and the resultant direct competition in overlapping markets, including Indivar. Zentara maintains that the phonetic similarity of the marks, coupled with the identical nature of the goods, necessitates protection under both Republic of Indivar trademark law and international intellectual property treaties to which Republic of Indivar is a signatory.

14. Zentara argues that its transborder reputation and pending trademark applications, including in Canadiana, entitle it to protection in Indivar against a confusingly similar trademark used by ZenTerra.
15. ZenTerra's adoption of a similar trademark was not in good faith, considering Zentara's established reputation and the evident potential for confusion among consumers in overlapping online markets.
16. The appeal also raises questions regarding the jurisdiction of Indivar courts to adjudicate international trademark disputes and the enforcement of trademark rights in a digital economy where traditional market boundaries are increasingly blurred.
17. The Hon'ble High Court of Dilli, for the sake of convenience, decided to hear all the following issues on same day:

- A. Whether Zentara Cosmetics Pvt. Ltd.'s transborder reputation and its pending trademark applications in jurisdictions such as Canadiana entitle it to legal protection in Indivar against the use of a phonetically and visually similar trademark by ZenTerra Beauty Inc.?
- B. Whether the online sales of ZenTerra Beauty Inc., which include shipping to Indivar consumers, amount to trademark infringement or unfair competition within the Indivar market, given the established trademark rights of Zentara Cosmetics Pvt. Ltd.?
- C. Whether the District Court's evaluation of consumer confusion adequately considered the influence of digital marketplaces and the global reach of ZenTerra Beauty Inc.'s products under a similar trademark on the trademark rights and reputation of Zentara Cosmetics Pvt. Ltd.?
- D. Whether the adoption and use of the "ZenTerra" trademark by ZenTerra Beauty Inc. can be deemed bona fide, in light of Zentara Cosmetics Pvt. Ltd.'s pre-existing reputation and the resultant potential for confusion among consumers in overlapping online sales channels?

:: Note ::

- i. All the laws of the Republic of Indivar are Pari-Materia to that of the Republic of India.
- ii. The parties are allowed to frame/add issues and sub-issues as per their own discretion.
- iii. This is a work of fiction. Names, characters, business, events and incidents are the products of the drafter's imagination. Any resemblance to actual persons, living or dead, or actual events is purely coincidental.

RULES AND REGULATIONS



These rules shall be the official rules for Moot Court Competition to be held on 17th, 18th and 19th May, 2024 at Indore Institute of Law. All the participating teams must strictly adhere to these rules in every circumstance.

ORGANISING COMMITTEE AND FORUM

- Indore Institute of Law Moot Court Society and Online Society will be the Organizing Committee for the purpose of this competition.
- In case of any dispute or difficulty arising out of or during the course of the competition, the Organizing Committee shall have the sole and absolute authority to address such issue and resolve the dispute.
- The Organizing Committee's decision as regards the interpretation of the rules or any other matters related to the Moot Court Competition shall be final and binding. If there is any situation, which is not covered by these rules, the decision of the Organizing Committee will be deemed to be final.
- The Organizing Committee reserves the right to amend, modify or repeal any of the rules if so required and as they deem appropriate. Participating teams shall receive timely notice of any/all such amendments or modifications to the rules.
- The Organizing Committee shall not be held responsible for any loss or non-delivery of the memorials or any other property of the participants.

INTERPRETATION CLAUSE & ELIGIBILITY

INTERPRETATION CLAUSE

The following terms shall have the corresponding meanings unless otherwise specified:

- Compendium' means the Compiled Research Material.
- Competition Rules' means the Official Rules and Regulations of the competition as amended from time to time.
- I.S.T.' means Indian Standard Time.
- Memorials' means the Written Submissions of a team, submitted pursuant to these rules.
- Moot Court Society' for the purpose of this Moot Court Competition means the Committee as for the administration and conduct of the competition, including any other authorized person, and of all events leading to the competition.
- Oral Pleading' means the pleading before a Panel as explained under "Evaluation Criteria for Written Submission".
- Panel' means the Adjudicators of an Oral Pleading Session collectively.
- Participant' means any member of the Participating Team.
- Penalty' means the consequence of a rule violation, whether disqualification or the deduction of points.
- Petitioner' means the side of the team which argues on behalf of the Appellant at any given point in the competition.
- Rebuttals' refer to the set of arguments/ challenges that the Applicant shall raise at the end of the main pleadings of all the Orators. This shall be replied to in the appropriate manner by the Respondent.
- Researcher' means that member of the team who is not a Speaker.
- Respondent' means the side of the team which argues on behalf of the Respondent at any given point in the competition.
- Speaker' means the designated speaker of the Team.
- Team Code' means the code allocated to a team at the time of registration.

ELIGIBILITY

Students enrolled in a full-time or part-time law programme at the time of the competition are eligible to compete in the Competition. ONLY ONE TEAM PER COLLEGE IS ALLOWED.

TEAM COMPOSITION

- A team consisting of three members that satisfies the eligibility Criteria can participate.
 - Each team shall comprise of two speakers and one researcher.
 - Only the speakers are allowed to argue. The researcher will not be given a chance to speak unless specifically allowed by the Judges.
- However, he/she can pass on the hand written notes to the speakers with the permission of the Judges.
- No team member may be replaced after the team's memorial has been received by the Organising Committee, except with the express written consent of the Organising Committee, which will require a showing of good cause.

DRESS CODE

FORMAL WEAR

FEMALE PARTICIPANTS

Black and White Salwar, Kurta or Western formals.

MALE PARTICIPANTS

White shirt with black tie, black trousers, black coat, white socks and black shoes.



COMPETITION FORMAT

- The competition shall be of four rounds namely Preliminary, Quarter-final, Semi-Finals and Final rounds.
Note: Quarter Final Round is subject to the participation of teams.
- Following shall be the rules to be followed during Oral Submission in each round.

5.1. Preliminary rounds

- There shall be two Preliminary rounds and each team shall argue for both sides i.e. the Petitioner/ Appellant and the Respondent.
- Matching of each team shall be done by the Draw of Lots.
- Each team will be allotted 20 minutes for the arguments including time for Rebuttal and Sur-rebuttal.
- The division of time is at the discretion of the team members.
- The division of time must be communicated to the court clerks before commencing arguments.
- If any speaker continues to speak after the completion of the allocated time, the additional time which he or she speaks will be deducted from the time allocated to his or her co-speaker there will be a deduction of marks per extra minute taken, as the case may be. However, no speaker shall be allowed to present his arguments beyond the maximum time.
- Each speaker must introduce himself or herself to the court using only his identification code and team code given to him/her at the time of memorial submission.
- A team shall be credited with a win in the Preliminary Rounds if their Round Total is greater than the opposing team.
- Teams with two wins will qualify for the Quarter-Final. In case there are more than eight teams with two wins, the round total will be used to decide the top eight.
- In case of tie, still the scores allotted in Understanding of Law and Procedure will be added to decide the winner.

5.2. Quarter-final & Semi-Final rounds

- Quarter Final Round is subjected to the participation of teams
- Total of eight teams from the preliminary round will qualify for the Quarter-Final round and then four teams to the semi-final round.
- Matching of each team shall be done by the Draw of Lots.
- Each team will be allotted 30 minutes for the arguments including time for Rebuttal and Sur-rebuttal.
- The Quarter- final & Semi-Final Round will be a “Knockout” Round where the winner of each quarter-final will move to Semi-Final Round and then advance to the Final Round.
- A team shall be credited with a win in the Quarter- final & Semi-Final Round if their Round Total is greater than the opposing team.
- In case of tie in Semi-Final Round pairing, total scores allotted in Understanding of Law and Procedure will be considered to decide the winner.

5.3. Final

- Winners of each Semi-Final round will qualify for the final round.
- Each team will be allotted 45 minutes for the arguments including time for Rebuttal and Sur-rebuttal.

5.4. Ex-parte proceeding

At the outset, if a team fails to appear within 10 minutes of the scheduled time (in any of the four rounds) then the oral round of the attending party may proceed Ex parte.

MEMORANDUM SPECIFICATIONS

- Each participating team shall prepare both memorials and counter memorials, in English. All teams are required to submit their copies to organizers in hard copy before the deadline specified by the organizing committee. Failure to do so will result in disqualification from the competition.
- Memorials from each side should not contain more than 25 pages (which constitutes cover page, a summary of facts & arguments, arguments advanced and prayer).
- The memorial must be typed and double-spaced. A team does not violate the double-spacing requirement by including written material properly that is single spaced, such as a block quote.

-
- The memorial shall consist of following:
 - i. Cover Page
 - ii. Table of Contents
 - iii. Index of Authorities
 - iv. Statement of Jurisdiction
 - v. Summary of facts in brief (not more than two pages)
 - vi. Summary of Issues raised/questions presented
 - vi. Summary of Arguments/Pleadings (1or 3 Page)
 - vii. Arguments Advanced/Pleadings (not more than 20 pages)
 - viii. Prayer for Relief (1 Page)
 - ix. Annexure (optional)

-
- The following sections do not count toward the word limit:
 - i. Front and back cover pages
 - ii. Table of contents,
 - iii. Index of authority,
 - iv. Statement of jurisdiction,
 - v. Questions presented
 - vi. Signature block,
 - vii. Appropriate appendices.

-
- All citations must adhere to Blue Book 20th Edition and fulfill the following requirements :-

Font size	12	**Memorials that do not follow the above mentioned specifications shall be penalized.
Foot notes Font type	Times New Roman	
Footnotes Font	10	

- Memorial cover page shall follow the following Color Scheme:

Petitioner/Appellants	Blue	Respondent	Red
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6.1. Service of memorial

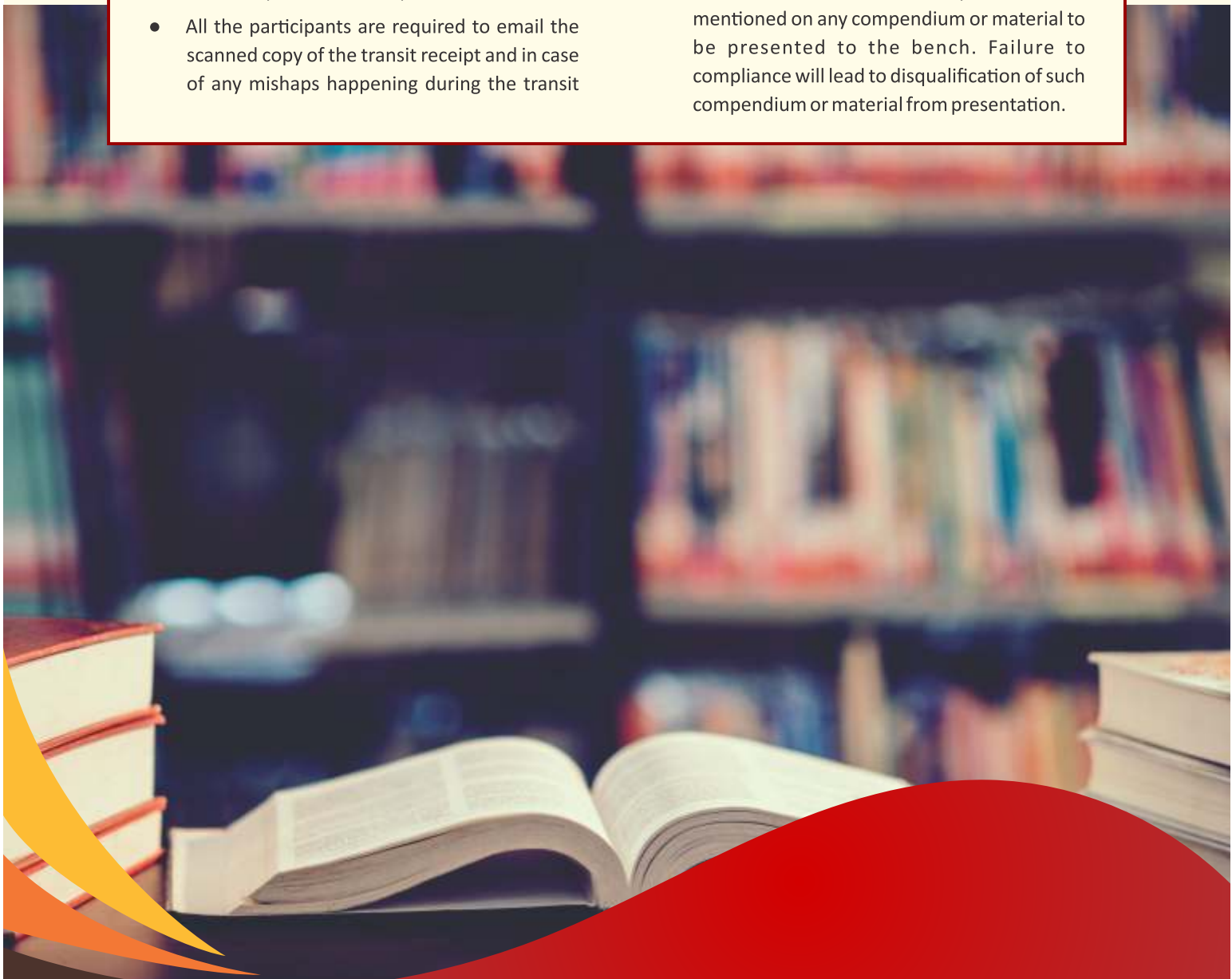
- All the participants must submit EIGHT (8) copies of the memorial for both sides.
- The soft copy of the memorial shall also be sent through email on mootcourtsociety@iconeducation.co.in latest by 30th April 2024, before 5:00 pm.
- The memorial should be sent as an email attachment in Word file along with a PDF of it..
- Subject of the email shall be “Memorial for “team code”. Please name the memorial using your team's Code and “P” for Petitioner or “R” for Respondent. For example, if you are assigned team number NBMC55 the file name should be NBMC55P.doc or NBMC55R.doc.
- The submission of hard copies should be done latest by 17th May, 2024 at Indore Institute of Law, Campus before 5:00 pm.
- All the participants are required to email the scanned copy of the transit receipt and in case of any mishaps happening during the transit

the Organizing Committee won't be responsible.

- Memorials that arrive after the deadline may receive a deduction of marks for being submitted late.

6.2. Anonymity

- Each team will be awarded a Team Code Number after registration and that number alone shall be marked on the memorials (TC-01, TC-02 etc.).
- Identity of the team or the names of the participants must not be revealed in the memorial in any manner whatsoever and all teams must send the memorial with a covering letter specifying the name and contact details of the team members and their designated Team Code.
- Name of the school/University shall not be mentioned on any compendium or material to be presented to the bench. Failure to compliance will lead to disqualification of such compendium or material from presentation.



EVALUATION METHOD

Following schematics will be followed in the competition for the scoring of the teams.

7.1. Evaluation of oral arguments

Each speaker shall be marked a total of 100 marks by each Judge. The following will be the marking criteria and the marks allocated to each category:

S.No.	Marking Criteria	Marks Allocated
1	Understanding of Law and Procedure	30
2	Application of Facts	20
3	Ingenuity and Ability to Answer Questions posed by the judges	15
4	Use of Authority/ Citation	5
5	Organization and Flow of Arguments	10
6	Reference to Memorials	10
7	Advocacy Skills, Court Craft and Demeanor	10
Total		100

**Marks allotted by the judges shall be final.

7.2. Evaluation of Memorial

The following will be the Marking Criteria and the Marks Allocated to each category:

S.No.	Marking Criteria	Marks Allocated
1.	Knowledge of Law and Extent of Research	30
2.	Proper and Articulate Analysis, Clarity and Organization	25
3.	Knowledge of Facts	25
4.	Evidence of Original Thought	10
6.	Correct Format and Citation	10
Total		100

7.3. Researchers test

- The Researcher's test will be conducted on the day one of the competition.
- The duration of the test will be of sixty minutes (60 minutes) only.
- The test shall consist of Objective / Subjective question based on the Principles of laws applicable and the case study.

EVALUATION

8. Awards

Winning Team	Cash Prize of Rs 31000 /- , Trophy, Certificate of Merit, 2 Free Certification Course & Letter of Appreciation with Publication, one-year complimentary subscription to EBC Learning, Internship Opportunity by Inttl Advocare Law Firm
First Runner up Team	Cash Prize of Rs 21000 /- , Trophy, Certificate of Merit, Free Certification Course & Letter of Appreciation with Publication
Second runner-up	Cash Prize of Rs 11000 /- , Trophy, Certificate of Merit, Free Certification Course & Letter of Appreciation with Publication,
Best Mooter	Cash Prize of Rs 5100 /- , Trophy & Certificate of Merit, Internship Opportunity by Legus Intellect Law Firm, New Delhi
Best Researcher	Cash Prize of Rs 5100 /- , Trophy & Certificate of Merit, Internship Opportunity by Legus Intellect Law Firm, New Delhi
Best Memorial (Team)	Cash Prize of Rs 5100 /- , Trophy & Certificate of Merit, Internship Opportunity by Legus Intellect Law Firm, New Delhi
Semi-Final Teams	Certificate of Merit & 30% off on Certification Course
Participating Teams	Participating Certificates & 30% off on Certification Course

**For Best Mooter award, the points scored from the preliminary rounds alone will be counted.

**Best Researcher will be decided on the basis of scores in Researchers' Test

**Best Memorial will be decided on the basis of score of memorials allotted in preliminary round

9. Registration Process (Step Plan)

The following steps have to be strictly followed by the respective teams interested to participate in the competition –

Registration Google form link is

Submit the details via Google form by 2024. For any query/ clarification, kindly mail at mootcourtsociety@iconeducation.co.in

Date	Amount for National Teams	Amount for International Teams
Early Bird Registration before 10th April 2024	1500/-	\$20
Registration before 20th April 2024	2000/-	\$24

- **NOTE** - In order to avail the accommodation facility for the three days i.e. 17th, 18th & 19th, teams need to pay a sum of Rs.4000/- and \$ 50 for International Teams along with the registration fees. Any team who wishes to manage their own accommodation are free to make their personal arrangements.

Accommodation will be provided in the following venues

- Nakhrali Dhani (Rau Road opp. Railway Crossing Indore)
- Malwa Inn (AB road near IPS college Rajendra Nagar Indore)

Any team who wishes to manage their own accommodation are free to make their personal arrangements.

PAYMENT DETAILS:

Teams are required to wire-transfer the registration, Fee/Amount to the details mentioned :



IMPORTANT DATES

Participants are required to adhere with the deadlines. Following important dates shall be kept in mind:

1.	Last date for Registration	27th April, 2024
2.	Last date for seeking clarification	29th April, 2024
3.	Last date for Submission of Memorial (Electronic copy)	30th April, 2024
4.	Last date for submission of memorial (Hard copy)	17th May, 2024
5.	Reporting, Registration, Researcher Test, Draw of lots and Exchange of Memorials	17th May, 2024
6.	Preliminary Round -1 and 2	17th May, 2024
7.	Quarter-Final -1 and 2	18th May, 2024
8.	Semi-Final & Final	19th May, 2024

MISCELLANEOUS

- All participants are expected to maintain the decorum in the court during the competition and are expected to conduct themselves in a manner befitting the legal profession.
- The Organising Committee reserves the right, at its sole discretion, to take appropriate action for any unethical, unprofessional and wrongful conduct during the entire period of the Moot Court Competition.
- Upon completion of the competition, the Organising Committee reserves the exclusive right to use the memorials submitted to them, as they deem appropriate.
- Participating teams should carry with them required study or reference materials for their own use during the oral rounds of competition.
- Teams found attempting to approach and influencing Judges/ Administrators/ Organizers shall be disqualified.
- No member of any team will be permitted to hear the arguments in any court rooms in which that team is one of the contesting teams whilst that team is still in the competition.

ORGANIZING COMMITTEE

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