

SVKM'S NMIMS SCHOOL OF LAW,
NAVI MUMBAI

PRESENTS

SECOND NATIONAL MOOT-COURT
COMPETITION, 2023

COMPETITION MANUAL

SUIT UP MOOTERS!



CHAMBERS
OF

JAI ANANT DEHADRAI



SAKLIKAR & ASSOCIATES
ADVOCATES, SOLICITOR & LEGAL CONSULTANTS

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There are more than 5500 management institutes offering post graduate courses in management across India. Yet not even a handful figure in the Global Top 200 B-school ranking. The SVKM's NMIMS Navi Mumbai Campus is an absolute exception. SVKM's NMIMS Navi Mumbai Campus ranks among the top ten Business Schools in our country, and this has been the legacy of this Premium Management Institute for decades. NMIMS has over the last 35 years grown from a management institute offering a single product namely MBA education to a Deemed to be University offering multiple products through separate schools in Business Management, Pharmacy, Technology Management & Engineering, Hospitality, Architecture, Science, Commerce, Economics, and Law. In addition to this, the college provides the students with an enormous space to grow, study and further provides mental stimulation by conducting workshops and seminars for the students. The well-curated teaching staff also enables the students to access the educational resources without any hesitation.

The School of Law (SOL) at NMIMS: The School of Law offers students with prospective first-hand learning, allowing them to fully imbibe the knowledge of Law with exposure to Critical Thinking, Legal Writing, Moot Courts. The School of Law apart from this, also promotes different extra-curricular and co-curricular activities in the form of various clubs and committees. The Institute also provides the students with top-notch facilities like the moot court, the library, the computer lab, various journals and learning resources. The skilled teaching staff and support staff assist the students to easily integrate into the course and participate in events.



We at School of Law, NMIMS Navi Mumbai couldn't be more exhilarated and excited to announce our Second National Moot- Court Competition, 2023. We aim to connect with our fellow Law Schools from across the country and rejoice in welcoming and hosting the very worthy participants. The event aims to construct a productive platform where young legal minds come together and showcase their skills which are far more valuable than winning or being eliminated in an event. We aim to be able to flourish a learning platform through this event. We look forward to hosting the young intellects!

CHAMBERS OF JAI ANANT DEHADRAI

OVERVIEW

Chambers of Jai Anant Dehadrai began as a niche criminal and civil litigation chamber and has now grown to a 5-member team of highly qualified and committed young lawyers.

The Chamber's objective is to provide intensely client-focused and cutting-edge legal solutions, with a focus on cost-effective results.

The Chamber is led by Mr. Jai Dehadrai, who holds a law degree (LL.B.) from the ILS Law College in Pune. Upon graduating, Jai went on to work for Karanjawala & Company in New Delhi, before pursuing his Masters (LL.M.) degree in Appellate Litigation and General Corporate Law from the University of Pennsylvania Law School (Penn Law), graduating at the top of his class.

After a long and successful stint with the US Law Firm Kline & Specter, Jai returned to India and accepted a clerkship with the Hon'ble Justice Sharad A. Bobde, Judge Supreme Court of India. After completing duties assisting his Lordship, Jai worked for the Vice Chairman of the Times of India Group Mr. Samir Jain, as his Legal Consultant. He is also a published legal author and a regular contributor to leading dailies.

Armed with the relevant professional experience, Jai then started the Chambers and his team has since served more than 300 Clients (Indian and Foreign).

The Chamber is nestled in a leafy South Delhi enclave called Neeti Bagh. Only ten minutes from all the major Courts and Tribunals in New Delhi, the Firm's office has excellent Metro and Cab connectivity.

The Chamber has proficiently handled complex White-Collar Crimes cases, civil claims, multi-crore tax appeals in the Supreme Court, as also IPR & Corporate Law cases



SAKLIKAR & ASSOCIATES

ADVOCATES, SOLICITOR & LEGAL CONSULTANTS

Saklikar & Associates ('S & A') is a law firm having its office located in Mumbai, Maharashtra, India. S & A was formed with the intention of providing complete solutions to all the legal issues faced by its clients and towards that end, endeavours are made each day to achieve the status of a full-service law firm.

THEIR AREAS OF PRACTICE

Their practice is primarily classified into transactional and advisory. The Corporate and Commercial as well as Real Estate practices include conducting legal due diligence as well as providing transactional support.

Their real estate practice essentially caters to the needs of Developers and Banks focusing around providing advisory services, legal due diligence as well as transactional support to developers intending development of property as well as to owners of the property in diverse projects.

Amongst many other services, they also advise many public as well as private trusts and cooperative housing societies as well as co-operative sector banks on several legal issues, provide documentation support and assist them in dispute resolution. Dispute Resolution is one of their areas of practice where they provide services such as drafting pleadings, affidavits of evidence as well as interim applications and most importantly representation in courts such as the City Civil Court, Bombay High Court, Debt Recovery Tribunal, etc. The Testamentary and Intestate practice operations include drafting of testamentary documents like Will and Trust Deed as well as drafting and filing of petitions for obtaining probate, succession certificate and letters of administration in the Hon'ble Bombay High Court.

In the ambit of Intellectual Property Rights, S & A through their associates help clients secure their intellectual creations. Presently they only provide services in copyright and trademark law. However, efforts are on to develop advice clients on patent law and they hope to add this area of law to their repertoire.

Key Team Members:

Mr. Amit Saklikar +91 9820477970 and Mr. Durgaprasad Sabnis +91 9892610695



ABOUT OUR DEAN

DR. DURGAMBINI ARUN PATEL

Dr. Durgambini Arun Patel is the newly appointed Dean of Kirit P Mehta, School of Law.

She has an expertise in the field of law and is working in this field since 1994. She was appointed as a law officer in the year 1994 to 1997. She is a rank holder in this field and her experience reflects in her personality as well.

She practiced in the labour court for 4 years and has been awarded numerous times during that time.

She practiced as a junior Advocate for the Labour Research Bureau for 3 years.

She has an expertise in the field of teaching as she has been teaching for 30+ years.

Because of her experience and knowledge she has visited foreign countries many times to share her knowledge. She was awarded ERASMUS MUNDUS fellowship by European Commission. She has motivated many through her experiences and stories. She has published 2 books and 33 articles that show her dedication and commitment to the particular field.

She is the member of various administrative committees.

She is the dean of SOL, who loves to motivate, guide students to work on the right path.



MANISHA BAND

Ms. Manisha Band, is an extremely experienced person and holds an extremely diverse and strong academic background. She has done her PhD from the National Law School of India University, Bangalore. She also holds a diploma in the field of Human rights.

She is the faculty incharge of NMIMS Kirit P Mehta School of Law Navi Mumbai as well as the program head.

She works hard towards achieving the growth of the organisation and has a nature of guiding the students to achieve success. Her constant help to the Moot court committee is what makes the event a success. She has published various papers which showcase her hard-work and thorough researching abilities. She has immense knowledge about jurisprudence, legal methods, Law of Contracts, Constitutional Law.

constitutional law, human rights, public policy and law, law of crimes is her area of research.

We are very glad that she is a part of SOL, NAVI MUMBAI



DR.MEGHA OJHA

Dr. Megha Ojha, is the assistant professor at NMIMS, NAVI MUMBAI. She has done her PhD in intellectual property rights. She holds the position in a teaching field for more than 1.8 years. She is the committee mentor of the moot court committee of the Navi Mumbai campus and hence all the competitions are held under her guidance.

She is the director of MEGA PRIME E SOLUTION SERVICES Pvt. Ltd.

She has published several books like 'EVOLUTION AND DEVELOPMENT OF INDIAN LEGAL SYSTEM IN BRITISH ERA': GUIDE TO GEOGRAPHICAL INDICATIONS:REGISTRATIONS OF GEOGRAPHICAL INDICATIONS IN INDIA'.

She has been our guiding light and has tremendous knowledge in various areas of law and hence we are very delighted to have her as our committee mentor.

INTRODUCTION

- These shall be called as the Rules for the SVKM's NMIMS School of Law, Second National Moot-Court Competition, 2023 (Hereinafter referred to as the "Competition").
- The Competition is being conducted by SVKM's Narsee Monjee Institute of Management Studies, School of Law, Navi Mumbai and shall be held on 23rd and 24th April, 2023 via online platform "Zoom Meetings". The respective teams shall participate from their preferred physical venues.
- The Competition shall consist of Memorial Round and Oral Rounds.
- The participation in the competition shall be restricted to first 40 registrations received by the organizing committee.
- Top 20 teams as per their scores in the Memorial Round shall qualify for Oral Rounds.
- Oral Rounds shall comprise of 4 rounds: Preliminary Round (top 20), Quarter-Finals (top 8), Semi-Finals (top 4), Final Round (top 2).
- There shall be no restriction in more than one participation from one Institution. In case of two teams from one participating Institute qualify for Oral Rounds, the team scoring more in Memorial Round shall be allowed to continue in Oral Rounds.
- The Competition shall be conducted in accordance with the rules mentioned herein under and the Participants are required to strictly adhere to the same.

- Participation is strictly restricted to bonafide undergraduate law students pursuing the three years or five years LL.B. degree programme from the Institution/University recognized by Bar Council of India.
- Each team shall comprise three members. The team composition shall be of two speakers and one researcher.
- Once registered, a team will not be permitted to vary the composition of the team members in any manner. Changes, if any, may only be made with the express permission of the competition administrators at their discretion, if due reason is shown for the same.
- Any changes with respect to the contact details shall be notified to the competition administrators with immediate effect. This obligation to inform shall continue throughout the duration of the Competition.
- Certificates for participating team members will be prepared from the credentials submitted by the participating team. The certificates of participation will reflect the names of the team members same as provided to the competition administrators. It is, therefore, incumbent on teams to ensure that all the credentials provided with respect to this competition are correct.
- English shall be the official language for the conduct of the Competition.
- The Moot-Court Committee of School of Law, NMIMS, Navi Mumbai shall be the competition administrator for the entire duration of the competition.

GENERAL RULES

DRESS CODE

For Gentlemen- Western Formals (White formal shirt with black formal trousers and a black blazer); and

For Ladies- Western Formals (White formal shirt with black formal trousers/skirt and a black blazer).

[Robes and collar bands are not permitted]

CLARIFICATIONS

i) All the clarifications concerning the Moot Proposition shall be sought by sending an e-mail to moot.sol@nmims.edu.in as per prescribed timeline in the following chapter of this manual. Subject of the email shall be: "Clarifications Team Code"

[Note: Clarifications sent after the deadline shall not be entertained.]

ii) The Clarifications shall be released by the competition administrators as per the competition timeline and will be sent to the respective teams on their E-Mail ID's.

[Note: The request for clarification shall only be made on the factual matrix of the Moot Proposition and no request shall be entertained towards seeking clarification on the legal facts of the Moot Proposition. The clarification so issued shall be deemed to be final and absolute unless otherwise decided and communicated by the competition administrators.]

The procedure for Registration shall be as prescribed below:

i) Teams shall register themselves through the Google Form link provided here:

https://docs.google.com/forms/d/e/1FAIpQLSeHjVIFebJQiQmpSm_-NPpSpwwnwtg7ftnXMfTIITbT5rXqCw/viewform?usp=sf_link

ii) All the teams shall be required to make a payment of INR 3000/- (Indian Rupees Eighteen Hundred Only) via NEFT in favour of details provided below to register for the Competition:

NEFT DETAILS:

Name: SVKM'S NMIMS

Bank: KOTAK MAHINDRA BANK

Account Number: 2311578254 IFSC Code: KKBK0000661

iii) The last date for completion of all the registration formalities is on or before 15 March 2023 (till 11:59 P.M. IST).

iv) Registering Team will be required to attach payment receipt while registering themselves through the Google Form.

v)
Upon successful registration, teams shall receive a confirmation email from competition administrators confirming their participation and allotting them a Team Code to be used as their sole identity for the rest of the competition.

COMPETITION TIMELINE

RELEASE OF PROVISIONAL REGISTRATION: 1ST MARCH 2023

CLOSING OF REGISTRATION: 15TH MARCH 2023

LAST DATE TO SEEK CLARIFICATION: 20TH MARCH 2023

RELEASE OF CLARIFICATION: 24TH MARCH 2023

SUBMISSION OF MEMORIALS: 1ST APRIL 2023

DRAW OF LOTS, RESEARCHER'S TEST AND MEMORIAL EXCHANGE: 6TH APRIL 2023

ORAL ROUNDS(PRELIMS AND QUATERS): 7TH APRIL 2023

SEMI FINAL AND FINALS AND VALEDICTORY SESSIONS : 8TH APRIL 2023

GENERAL GUIDELINES

The Teams are expected to strictly adhere to the Rules regarding submission of Memorial(s). Non-adherence to the same will attract penalties as provided under the Rules.

Each team must prepare Memorials for both the sides to the dispute i.e., the Petitioner(s) and the Respondent(s) as the case may be. The rules regarding the Memorial are stated as under:

The Memorial shall not contain any form of identification apart from the Team Code. If any such identification or mark, symbol, etc. which has the effect of identifying the team is found on the Memorial, then it shall result in instant disqualification of the participating team.

The Memorial has to be submitted only in soft copy.

Each Team shall submit the soft copy of the Memorial, in “pdf and doc” format on or before 10TH April, 2022 not later than 11:59 pm [IST]. The copy of Memorials shall be sent to: moot.sol@nmims.edu.in with Subject: “Memorial Submission Team Code ”

Each Team has to send four (4) separate file attachments: two (2) as Memorial for the Petitioner(s) [one each in PDF and Microsoft Word(.docx or .doc) format] and two (2) as Written Submission for the Respondent (s) [one each in PDF and Microsoft Word (.docx or .doc) format].

The name of the Memorial should be according to the Team Code and the side (Petitioner and Respondent) for which the Written Submission is prepared. The Team Code must be ascribed on the top right corner of the cover page and must be succeeded by the side for which the Memorial is prepared.

A penalty of 1 (One) mark shall be levied in case the Memorial is submitted in any other format or as multiple files by the Team.

The team submitting their Memorial after the last date of the submission shall stand disqualified from the competition.

FORMATTING AND SUBMISSION GUIDELINES

Memorial Structure: The Memorial must contain the following contents in the order as stated below:

i) Cover Page - The Cover Page must be BLUE for the Petitioner and RED for the Respondent. A penalty of 1 (One) mark per side shall be levied in case the team uses the wrong cover page in their Memorial. The Cover Page of the Memorial must contain the following information:

- The 'team code' in the top right corner
- The 'name' and 'year' of the Competition
- The name of the case (CaseTitle)
- The 'side' for which the Memorial has been prepared
- Name of the 'forum' resolving the dispute

ii) Table of Contents

iii) List of Abbreviations

iv) Index of Authorities: The Index of Authorities must list all the authorities cited in the Memorial.

v) Statement of Jurisdiction

vi) Statement of Facts: The Statement of Facts must contain a concise statement of the relevant facts to the dispute. As far as may be, the Statement of Facts should be limited to the stipulated facts and legitimate inferences which can be drawn from those facts. Statement of Facts shall not exceed 2 pages.

[Note: Non-compliance will result in a penalty of 1 mark for each exceeded page.]

i) Issues Raised: Issues shall be restricted to the ones mentioned in the Moot- Proposition and no new issues shall be added by the teams.

ii) Summary of Arguments: The summary of arguments should contain a summary of the substance of the arguments, and should not merely be the production of the various headings and sub-headings of arguments. The Summary of Arguments shall not exceed 2 pages.

[Note: Non-compliance will result in a penalty of 1 mark for each exceeded page.]

iii) Pleadings/Arguments Advanced: All legal arguments must be limited to the Pleadings/Arguments Advanced section of the Memorial. The Pleadings/Arguments Advanced must not exceed 20 pages.

[Note: Non-compliance will result in a penalty of 2 marks for each exceeded page.]

iv) Prayer: The Prayer shall not exceed 1 page.

Team Code: The team code must be ascribed to the top right corner of the cover page. The code must be succeeded by the side for which the Memorial is prepared. The teams must use "P" for Petitioner and "R" for Respondent. For instance, in the case of Team Code being TC-500, the team must write "TC-500P" in case of Memorial for 'Petitioner' and "TC-500 R" in case of Memorial for 'Respondent'.

Margin: The Memorial must maintain an equal margin of 1 inch on all sides.

Basic compliance for Memorial: The Memorial (including the preliminary pages and excluding the cover page) shall adhere to the following mandatory specifications: Paper size: A4, Font type: Times New Roman, Font size: 12, Line spacing: 1.5, Body of text: Justified.

[Note: Non-compliance will result in a penalty of 02 marks for each side of the written submission.]

Footnotes: The footnotes must be in font type: Times New Roman, Font size: 10, Line spacing: 1.0, Paragraph spacing: 0, no additional space between 2 footnotes and body of text and Justified with a Uniform Style of Citation (Bluebook, 20th Edition) to be strictly followed throughout the Memorial.

[Note: Non-compliance will result in a penalty of 1 (One) mark per page.]

Header and Footer: The font used for the header/footer, if any, shall be Times New Roman, size 10 with single spacing.

EVALUATION CRITERIA

Sr. no.	MARKING CRITERIA	MARKS ALLOTTED
1.	EVIDENCE OF ORIGINAL THOUGHT	20
2.	KNOWLEDGE OF LAW AND FACTS	20
3.	PROPER AND ARTICULATE ANALYSIS	20
4.	STRUCTURE, LANGUAGE AND GRAMMAR	15
5.	EXTENT AND USE OF RESEARCH	15
6.	CORRECT FORMAT AND CITATION	10
	TOTAL	100

Compendium:

i) All relevant case laws and statutory material and other evidence based on which the participants are going to present and substantiate their arguments may be submitted before the Bench during the Oral Rounds of arguments in the form of a compendium.

ii) Participants shall ensure that anonymity is not violated while passing on any material to the Bench. If any mark, name, seal, symbol or logo of their institution/college/university is present, participants must ensure that the same is rendered unrecognizable.

Exchange of Memorials:

i) The exchange of Memorial for the Preliminary Round shall take place on 22 April 2022. The memorial exchange for the advanced round of competition(s) shall take place at least 1 (One) hour prior to the conduct of the advanced rounds (Preliminary Rounds, Quarter-Finals, Semi Finals and Finals).

ii) Teams are prohibited from making any remarks on the opponent's Memorial, thus, exchanged. Teams are also prohibited from making any copies of the opponent's Memorial, electronically or otherwise.

Researcher's Test:

a. The Researcher's test will be open to all the teams participating in the Competition

b. The Researcher's test will be conducted on 6th April 2023.

c. The Researcher must keep their camera and audio enabled throughout the test.

Failure to comply with this rule will result in immediate disqualification from the test.

d. Once the Researcher joins the meeting at the designated time, an organizing committee member will share several objective-type questions on their screen.

e. The Researcher will be given a specific time (which will be conveyed later) to answer each question once the organizing committee member has shared the question.

f. The Researcher cannot communicate with their team members or anyone else during the test.

g. The Researcher is not permitted to refer to any written material or the internet during the Researcher's test.

GENERAL GUIDELINES

Teams are not permitted to raise issues in the Oral Rounds that have not been submitted in their written submissions.

The use of mobile phones, laptops, or any other electronic gadgets for research or reference purposes is strictly prohibited during the Oral Rounds, subject to the discretion of the Bench.

Participants may use their bare acts, print outs and commentaries provided that anonymity is not violated during the Rounds.

The decision of the Judges as to the marks allotted to each team shall be final and binding.

STRUCTURE OF ROUNDS

The Competition shall be held on 23th to 24th April, 2022. The Competition shall consist of the following rounds:

- 1.Preliminary Rounds
- 2.Quarter-finals
- 3.Semi-finals
- 4.Finals

During each of the above mentioned rounds, the order in which the Teams shall present their arguments are as follows:

- 1.Petitioner Speaker-1
- 2.Petitioner Speaker -2
- 3.Respondent Speaker-1
- 4.Respondent Speaker-2
- 5.Rebuttal (Petitioner)- By any one of the two speakers.
- 6.Sur-Rebuttal (Respondent) - Any one of the two speakers.

SPLIT OF TIME

Teams shall notify the Court Masters of the division of time between the 2 Speakers (including time reserved for Rebuttal & Sur-rebuttal) 10 minutes before the commencement of the Rounds.

If Speaker 1 exceeds his/her reserved time, the additional time taken shall be deducted from the time reserved by Speaker 2. Similarly, if Speaker 2 exceeds his/ her reserved time, the additional time taken shall be deducted from the time reserved for Rebuttals/Sur- Rebuttals as the case may be. This rule may not be followed if the additional time is awarded at the discretion of the Bench.

While granting additional time, if the additional number of minutes granted is not specified by the Bench, it shall be presumed that the additional time granted is 2 minutes.

The finality of the decision as to the time structure and the right to Rebuttal or Sur-rebuttal shall vest with the Bench.

PRELIMINARY ROUNDS

Each team shall argue once from both sides, i.e., Petitioner and Respondent, order of which shall be decided by way of draw of lots to be conducted by the competition administrators.

No two teams shall face each other more than once in the Preliminary Rounds nor will they argue before the same panel of judges.

The qualification or disqualification of the Teams for Quarter-Finals shall be determined on the basis of the wins only in each Preliminary Round.

The win or loss of a Team shall be determined on the basis of aggregate score. The Team with a higher aggregate score shall win the round.

The aggregate score of a Team shall be computed as the total of - Oral Score of Speaker-1, Oral Score of Speaker-2 and half the score of the Memorial.

Teams qualifying for Quarter Finals shall be the one who win both the preliminary rounds. In case of shortage of such teams to even out the competition in the advanced rounds, the top teams as determined by their cumulative scores for both the rounds shall be taken into consideration by the Organizers irrespective of the fact that whether such a team had won/lost any round whatsoever.

GUIDELINES FOR VIRTUAL CONDUCT

All the rounds of the Competition shall be conducted virtually by way of video conferencing through a video-conferencing platform of “Zoom”. The details related to the platform shall be given to the Teams prior to the Competition through email.

Participants shall keep their microphone on mute at all the times, except while addressing oral submissions/arguments. A speaker shall unmute his/her microphone only after being invited to do so by the Bench/Court officer.

Participants must ensure strong internet connectivity with good audio and video quality during oral rounds on their desktop. The Organisers shall not be responsible for any loss due to slow or non-functional internet connection during the Competition.

No audio or videotaping of the oral pleadings is permitted without the permission of the Organisers.

DRAW OF LOTS

The fixtures/match-up of teams in Preliminary Round shall be determined on the basis of the draw of lots.

QUARTER-FINALS

The Quarter-final round shall consist of top 8 Teams. The Teams shall be required to plead only once, either from the side of the Petitioner or the Respondent. The side of pleadings and the opponent shall be determined on the basis of draw of lots.

The winners of the Quarter-final round shall advance to the Semi-final round.

SEMI-FINALS

The top four Teams from the QuarterFinal Round shall qualify for the Semi-final round. The side of pleadings and the opponent shall be determined on the basis of draw of lots.

The winner of each courtroom from the semi-final round shall proceed to the final round.

FINAL ROUND

The top two Teams from the Semi-Final Round shall qualify for the final round. The side for pleading shall be determined on the basis of draw of lots.

The Winner of the Final Round shall be declared the winner of the Competition.

EVALUATION CRITERIA

Oral Submissions/Arguments from each side shall carry a total of 100 marks. The following will be the marking criteria for the oral arguments/pleadings for the Speakers:

Sr. no.	MARKING CRITERIA	MARKS ALLOTTED
1.	APPRECIATION AND APPLICATION OF FACTS	10
2.	APPLICATION OF LEGAL PRINCIPLES	10
3.	USE OF AUTHORITIES AND PRECEDENTS	10
4.	PRESENTATION SKILLS	10
5.	CLARITY OF THOUGHTS AND STRUCTURE OF ARGUMENTS	10
6.	POISE AND DEMEANOUR	10
7.	STRATEGY	10
8.	KNOWLEDGE OF LAWS	10
9.	RESPONSE TO FORUM QUESTIONS	20
	TOTAL	100

- Scouting is strictly prohibited.
- Any participant/ member of the organizing committee may submit a complaint regarding scouting to the competition administrators.
- Teams found scouting shall be disqualified immediately.
- If a Team believes that violation of any of the Competition Rules has taken place at any stage of the Competition, the Teams shall within half an hour of the completion of the round where in any violation has allegedly occurred, register a complaint with the competition administrators and under no circumstances the Teams are allowed to approach the Bench with any complaints.
- Teams can only share their screens with the permission of the Bench or when it is otherwise demanded to do so by the Bench. In any other case, sharing the screen is not permitted.

AWARDS

Winning Team will be awarded with a cash prize of ₹18,000 and an e-certificate of merit.

Best Speaker will be awarded with a cash prize of ₹ 5000 and an e-certificate of merit.

Best Memorial will be awarded with a cash prize of ₹ 5000 and an e-certificate of merit

Best Researcher will be awarded with a cash prize of ₹5000 and an e-certificate of merit.

All the participants will be awarded with an e-certificate of participation.

Teams are expected to behave in a dignified manner and not to cause any inconvenience to the competition administrators, the Judges and to any of the other participants to the Competition.

The Organizers reserve the right to take appropriate action for any unethical, unprofessional or immoral conduct.

The Rules shall be strictly adhered to. The competition administrators reserve the right to disqualify Team(s) for deviating from these Rules. The competition administrators will resolve any contingencies that may arise and will be the final arbiters regarding any doubts/grievances. The decision taken by the Organizers shall be final. These Rules are not exhaustive.

All interpretations, as well as any waivers, consents or other decisions in the administration of the Competition is at the complete discretion of the competition administrators.

Any decision made by the Organizers shall be final and binding on all participating Teams.

Any and all clarifications and queries regarding the Moot Proposition and Rules & Regulations shall be sought only via e-mail to moot.sol@nmims.edu.in

1. JimJam Productions Private Limited (“JJPL”) is a renowned production house in Extalia, part of the JimJam Records group of companies. It was incorporated in 2016 under the Extalian Companies Act, 2013 to work in the business of producing and distributing movies, films and shows, including but not limited to television shows and web-series. The directors of JJPL are Vikrant Joshi, Madhu Iyer, and Lilly Singh and has its registered office in the city of Exterra. Since its inception, JJPL has produced several hit movies and shows, on account of which it had carved a significantly large niche for itself in the industry and in the minds of the public at large.

2. In May 2019, JJPL entered into talks with Sabreen Agarwal, the founder and coach of a Non-Governmental Organisation called “Basketball for all” based in Sabreen’s hometown of Basilica in the state of Tanoria in Extalia, for acquisition of her life rights. Sabreen had founded Basketball for all in 2008 as a way to enrich the lives of the underprivileged people around her. She had been working as a basketball coach in a school for many years, when one day, she saw underprivileged children while passing by, playing basketball in a makeshift court. This inspired her to start “Basketball for all”, an NGO that would change her life and result in the creation of Basilica’s first sports-based NGO for the underprivileged. Through Basketball for all, Sabreen amassed significant popularity and notoriety by coaching an all-girl basketball team, all members of which were children Sabreen had taught through her NGO and through to the finals of the 2011 Tanoria State Championship. After this milestone, Sabreen went on to coach several more basketball teams, who managed to get significantly far ahead in National Championships and State Championships in the years to come.

3. JJPL sought to acquire the life story rights of Sabreen to produce a movie titled “B Team” which would not only tell the world Sabreen’s story, but also propagate a message of social awareness and inspire the public with the story of the first all-girls basketball team from the slums in a big sports tournament and realise the value of sports in bringing communities together. Through the said movie, JJPL wanted to highlight how Sabreen used the power of sports to help the girls in the basketball team gain confidence in themselves, which would help them overcome life’s challenges and

hurdles. Accordingly, Sabreen and JJPL entered into negotiations, and a Life Story Rights Acquisition Agreement was executed between them on 3rd June 2019 (“Life Story Agreement”)

4. The recital of the Life Story Agreement executed between JJPL (Producer) and Sabreen (Grantor) categorically stated that –

- “ A. The Producer is, inter alia, engaged in the business of production, distribution and marketing of films, audio-visual content, including web-series.*
- B. The Grantor is the founder of the Non-Governmental Organisation “Basketball for all”*
- C. The Producer wishes to produce Audio-Visual Content, based on the story inspired by the real-life events/incidents of the Grantor, including all personal and private events/incidents as narrated by the Grantor, the Characters forming part of such real-life events/incidents and the information available in the public domain, including the Grantor’s life journey (“Life Story”)*
- D. the Grantor has agreed to hereunder grant all exclusive rights in the Life Story to the Producer on the terms and conditions detailed in the Agreement.”*

Excerpts of the definition of “Rights” granted under the agreement include:

Clause 2. “Rights” are defined as:

(i) create, develop, make and produce the Audio-Visual Content in any and all languages of the world based on the Life Story, for the purposes of production and development of the Audio-Visual Content to use, adapt, reproduce, translate and communicate to the public the Life Story, its title and other constituent elements

...

(v) use and exploit the Grantor's name, initials, autograph, signatures, likeness, photographs, portraits, voice and such other representations of the Grantor, in all advertising, marketing and other promotional materials relating to the Audio-Visual Content, or during any promotional and marketing events relating to the Audio-Visual Contents, in such manner as the Producer may deem fit, and all such materials shall belong solely and exclusively to the Producer in perpetuity

...

(xi) the right to bring, initiate or defend any proceedings against any third party in respect of the Audio-Visual Contents or parts thereof, including proceedings against any third party for infringement of any rights, title and interest in and to the Audio-Visual Contents and/or to the Rights granted to the Producer hereunder

...

(xiv) any and all ancillary rights that may be required for the purpose of production, development, distribution, marketing, promotions, exploitation, and exhibition of the Audio-Visual Content and Derivative Works in any and all languages on all Modes, Media and Formats

5. After execution of the Life Story Agreement, JJPL engaged the services of Dattha Charan as a writer and director, to author a screenplay and thereafter direct the movie based on Sabreen’s life. Accordingly, a Writer’s Agreement dated 18th August 2019

was executed between Dattha Charan and JJPL, under which all the works created by Dattha Charan for JJPL, in respect of the proposed movie on Sabreen's life would be considered as work-for-hire in consideration of payment of Rs. 2,00,000/-.

6. In accordance with the terms of the Agreement, Dattha Charan commenced work on the screenplay of the movie based on Sabreen's life, the creation of the NGO "Basketball for all". The screenplay included the story of the first all-girls team coached by Sabreen which went on to reach the finals in the Tanoria State Basketball Championships in 2011. The screenplay was finalised by the end of February 2020, pursuant to which shooting had to commence. Production of the film, now titled "B Team" took place between April 2020 and November 2020. Thereafter, post production was completed by February 2021, and the finalised film was sent to the Central Board of Film Certification ("CBFC") for certification. The CBFC approved the film as is, and gave the rating "U" vide certificate dated 28th March 2021.

7. "B Team" was slated for release on 14th May 2021. The first teaser for the film was released on 25th February 2021 on digital platforms. The first promo was released on 15th March 2021, announcing that the trailer would be released in a week. Accordingly, the trailer was released to the public on 22nd March 2021. Within a week, the trailer garnered more than 8 million views across various platforms, including YouTube, Twitter and Facebook. The trailer began with a slide with text stating "This is the True Story of a young basketball coach" and ended with a disclaimer stating "Based on the real life of Sabreen Agarwal, founder of Basketball for all".

8. Eastern Light Production is also prominent production company in Extalia, incorporated in 2014 under the Extalian Companies Act, 2013. Its directors are Taran Shah and Bhavya D'Souza. Like JJPL, it is also in the business of producing, marketing and distributing films. It has also forayed into digital media and has many web-series to its credit.

9. ELP was desirous of producing a film about the life of Anoushka Mehra, a famous basketball player, and was in the process of producing a film based on it. Incidentally, Anoushka Mehra was the star player of the all-women basketball team, coached by Sabreen through Basketball for all, which reached the finals in the 2011 Tanoria State Championship. Anoushka's career began with Sabreen's coaching and eventually

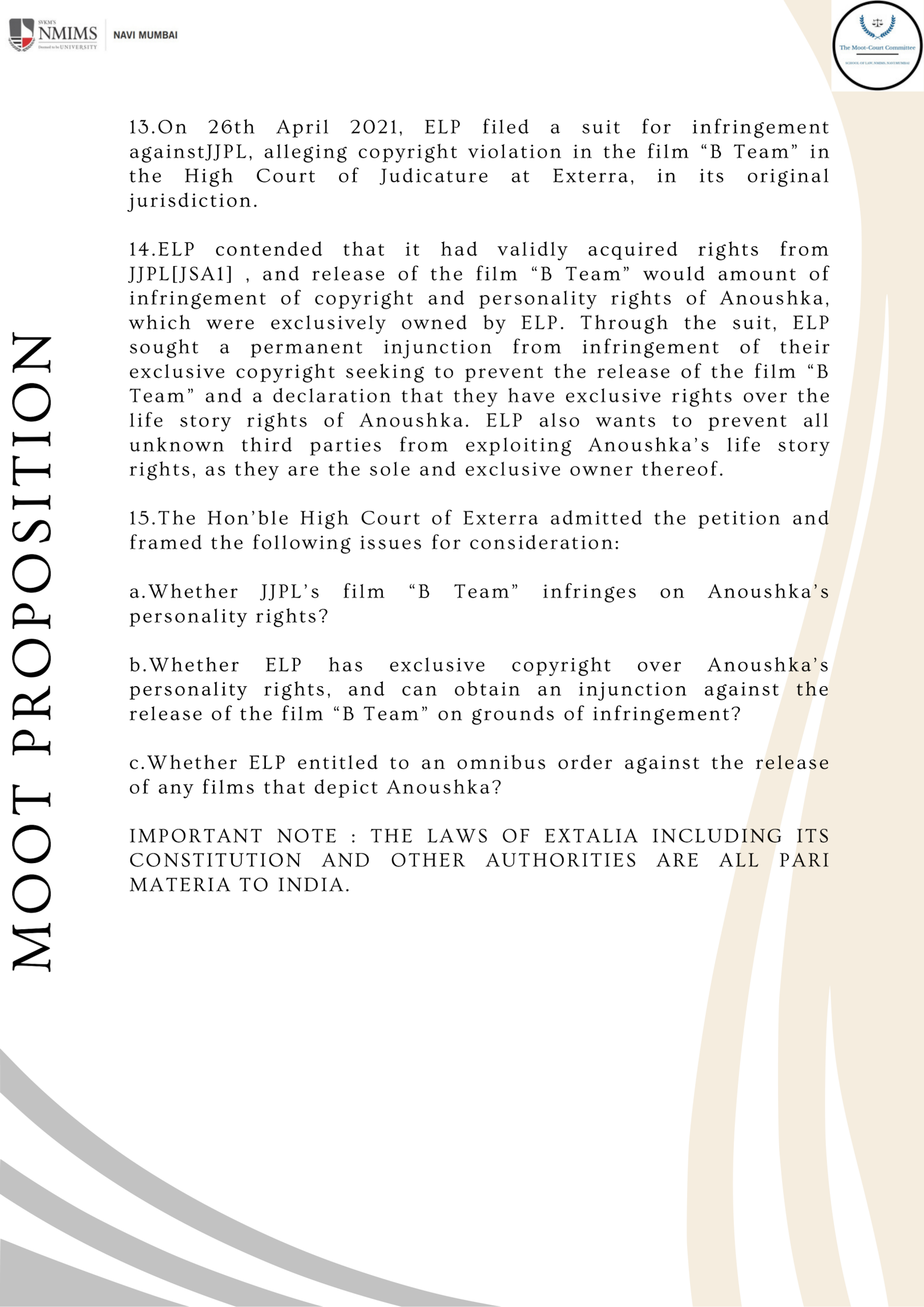
landed her in a professional sports setting, becoming one of the country's best sportsperson. ELP sought to make a film that depicts the talks about the beginning of Anoushka's career, from her time as a child, to her time in Basketball for All, and ends with her selection to the Extalian National Team.

10. In pursuance of this, ELP and Anoushka entered into negotiations, and Anoushka agreed to grant them life rights to adapt into a cinematograph work. Subsequently, ELP (Producer) and Anoushka (Owner) executed a Life Story Rights Acquisition Agreement dated 20th November 2020 whereby ELP was granted exclusive story rights, subject to the terms and conditions therein.

11. The agreement defined "Life Rights" as follows:

"Clause 3. For purposes of this Agreement, "Life Story" shall mean the irrevocable, exclusive, perpetual, and universal rights to use Owner's name, likeness, sobriquet, voice, and biography; depict, portray, impersonate, or simulate Owner in any way whatsoever; and make use of all the incidents of Owner's life preceding, surrounding, following, and otherwise, in any way relating to incidents about Owner's life that Producer deems in its sole discretion necessary or appropriate to produce one or more motion pictures, whether wholly or partially factual or fictional; and use any and all information and materials in Owner's possession or under Owner's control, which Owner shall, at Producer's request, disclose and provide to Producer freely, completely, and candidly, including, but not limited to, copies of any newspaper or magazine clippings, photographs, transcripts, journals, notes, letters, recordings, home movies, videotapes, or other physical materials relating to Owner's life story and all of Owner's thoughts, observations, recollections, reactions and experiences surrounding, arising out of, or concerning all of those events, circumstances, and activities relating to Owner's life story."

12. ELP began production of a film on Anoushka Mehra's life, tentatively titled "Baller No. 1". It engaged the services of a writer, Rahul Chadha, to develop the screenplay based on Anoushka's life. While the terms of the writer's agreement were being finalised, ELP came across the trailer for "B Team" released by JJPL.



13. On 26th April 2021, ELP filed a suit for infringement against JJPL, alleging copyright violation in the film “B Team” in the High Court of Judicature at Exterra, in its original jurisdiction.

14. ELP contended that it had validly acquired rights from JJPL[JSA1], and release of the film “B Team” would amount to infringement of copyright and personality rights of Anoushka, which were exclusively owned by ELP. Through the suit, ELP sought a permanent injunction from infringement of their exclusive copyright seeking to prevent the release of the film “B Team” and a declaration that they have exclusive rights over the life story rights of Anoushka. ELP also wants to prevent all unknown third parties from exploiting Anoushka’s life story rights, as they are the sole and exclusive owner thereof.

15. The Hon’ble High Court of Exterra admitted the petition and framed the following issues for consideration:

- a. Whether JJPL’s film “B Team” infringes on Anoushka’s personality rights?
- b. Whether ELP has exclusive copyright over Anoushka’s personality rights, and can obtain an injunction against the release of the film “B Team” on grounds of infringement?
- c. Whether ELP is entitled to an omnibus order against the release of any films that depict Anoushka?

IMPORTANT NOTE : THE LAWS OF EXTERIA INCLUDING ITS CONSTITUTION AND OTHER AUTHORITIES ARE ALL PARI MATERIA TO INDIA.



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