



2018-2019
INTA ASIA-PACIFIC MOOT COURT COMPETITION
OFFICIAL RULES

INTA Asia-Pacific Moot Court Competition (the “Competition”) mooters are expected to read and apply the Competition Official Rules (the “Rules”) using reason and judgment. The Competition is intended to simulate the role and responsibility of a legal advocate appearing before a court. The INTA Asia-Pacific Moot Court Competition Project Team (the “Project Team”) will not, therefore, generally provide advisory opinions on the application of the Rules unless the advocate demonstrates to the Project Team’s satisfaction that the Rules provide no meaningful guidance.

1. INTRODUCTION

The International Trademark Association (“INTA”) established the Competition in 2017 to build internationally on the success of the Saul Lefkowitz Moot Court Competition in the United States (which was established in 1990). The Competition is intended to be an annual event in Asia that rotates between participating countries, beginning with **Singapore on March 1 and 2, 2019**.

The objective of the Competition is to introduce law students to important international trademark and unfair competition law issues. Participating law students will develop their brief writing and oral advocacy skills by applying international legal principles to a fictional fact pattern, and then advocating their legal positions in a mock courtroom experience.

2. TEAMS

The Competition comprises two stages, a written phase (the “brief”) and an oral phase (“oral arguments”). The brief must be submitted by each team by **5:00 P.M. U.S. Eastern Time, January 11, 2019**. The oral arguments will be conducted in **Singapore on March 1-2, 2019**. The Competition will be conducted in the English language.

The Competition is open to teams of students from any university or other higher education institution (“School”) so long as graduation or completion from such School renders its students eligible for admission to practice law. Teams may consist of two, three or four students from the same School. Each School may enter up to two teams.

No team member may hold a law degree or equivalent from a School or be admitted or licensed to practice law in any country or jurisdiction. An LL.M. student already holding a law degree therefore may not enter the Competition. However, a student pursuing a joint undergraduate/ LL.M. program or a student without a law degree pursuing an LL.M. program may enter the Competition. Team members must be matriculated in a full- or part-time program as stated above in the School they represent.

Proof of current enrollment of each team member of the School must be included with each team’s entry form. It is recommended, but not required, that each team has an active advisor from its law school faculty.

Each Competition shall contain a minimum of four teams.

3. ENTRY FORM

Each team desiring to participate must complete the online entry form [click here to be received by INTA no later than 5:00 P.M. U.S. Eastern Time, November 2, 2018](#). Early entry is suggested and there is no registration fee to enter.

Please save the credential information received when registering for the Competition. After the entry form has been received and accepted, the team leader will receive an e-mail confirmation of submission. You will be asked to log back into the application to view the following:

- Team code
- Brief assignment

If a team does not receive the confirmation e-mail, please e-mail mootcourt@inta.org or call +1- 212-642-1707.

Any substitution of team members must be made by 5:00 P.M. U.S. Eastern Time, January 11, 2019, the date briefs are due. There shall be no replacement of team members after filing of briefs except with the express written consent of the Project Team.

4. THE PROBLEM

The fictional fact pattern (the “Problem”) is prepared by the Project Team and is available on INTA’s website.

The Problem is presented as a judgment which may include findings of fact and conclusions of law of the lower Court or Court of First Instance. The Problem will focus on one or more issues arising under the general subject of international trademark and unfair competition law. The Problem may not be used for any purpose other than the official Competition without prior written permission from INTA.

***Note:** This Rule prohibits use of the Problem in intra-school competitions, particularly where the competition is used to select the team(s) representing the school in the Competition.*

5. BRIEF GUIDELINES

The brief shall be a written argument relating to the issues before the Court. Any or all team members may participate in writing the team’s brief. Each team must prepare ONE brief either on behalf of the Appellant or the Respondent. INTA will inform the team of the side it should prepare for (“Brief Assignment”).

Each brief must follow the guidelines listed below:

- Each brief shall, without exception, be limited to 10,000 words, including all footnotes and headings. The word count must be indicated at the end of each submission. A penalty may be imposed on those exceeding the word count. The following are not included in the word count - the indication of the word count, any court heading or title page (so long as it does not include any substantive material).
- Either a proportionally spaced font (Times New Roman, Arial) or a monospaced font (Courier) may be used. A proportionally spaced font must be 12-point or larger. A monospaced font may not contain more than 10 characters per inch (2.54 cm). Footnotes may be in a smaller text. There should include at least 1.5 spacing between lines with document margins of at least one inch on all sides.

There is no need to include a table of contents, statement of jurisdiction, statement of facts, index of authorities or bibliography. The brief should focus on the substantive issues of the appeal. Footnotes should be used primarily for citation purposes.

- The alpha-numeric team number assigned to you must be the name of the PDF file of the brief filed with INTA (for example, E-01-004.pdf) and be on the cover of the brief in the lower right-hand corner. Do not overwrite the .pdf extension when naming the brief as INTA may not be able to access your filing.

- **The name of the law school and the names of the team members SHALL NOT appear anywhere on the brief.** Briefs shall not be signed, and no information (real or fictional) serving to identify a team or team member shall appear on or within the brief itself, including as part of the name of the PDF file of the brief filed with INTA.

This is an international competition and the teams are not limited in the jurisdictions from which they use authority. The teams may use authorities from around the world which are relevant to the legal issues in dispute. There is no prescribed style guide for the brief, save that teams should include full citations for sources on which they rely and where they quote from a source, they must specify the relevant page number and/or paragraph.

Briefs shall not be exchanged between teams participating in the Competition (including teams from the same school). Although teams brief only one side, all teams will argue both sides before the Court and are expected to rely upon their own research and originality of thought in preparing their briefs and oral arguments.

By submitting a brief for the Competition, the team agrees that all rights in the brief, including copyrights and other intellectual property rights, are assigned to INTA.

Failure to conform to this Rule will result in a reduction of a team's brief score in an amount deemed appropriate in the judgment of the Project Team, and may result in disqualification.

6. FILING OF BRIEF

Each team shall file its brief as a PDF file by uploading to the submission module. The link can be found in the registration confirmation email that was received when you registered for the Competition.

The brief must be received by INTA no later than 5:00 P.M. U.S. Eastern Time, January 11, 2019.

Briefs received after that time may not be considered. Briefs may not be mailed, e-mailed or hand delivered to INTA's office. Teams are advised to file their briefs early to avoid unnecessary problems.

Failure to file a timely brief may result in automatic disqualification from the Competition. The team leader will be notified of disqualification by e-mail and shall have the opportunity to appeal such disqualification by **5:00 P.M. U.S. Eastern Time, January 14, 2019.**

If the team leader does not receive an auto-generated e-mail reply confirming receipt of the brief by INTA, please e-mail mootcourt@inta.org or call +1-212-642-1707 by 5:00 P.M. U.S. Eastern Time on January 14 to reconcile any submission issues.

The auto-generated e-mail reply will be sent to the team leader listed on the entry form. Failure to timely contact INTA may result in automatic disqualification from the Competition.

Briefs may not be revised or amended after they are filed. No supplemental briefs will be accepted.

7. ORAL ARGUMENTS – LOGISTICS

All oral arguments will be conducted on two days: **Friday, March 1, 2019 and Saturday, March 2, 2019.**

Friday Arguments: Even though each team will have prepared a brief for one side, it will compete in two preliminary rounds of oral argument on Friday, March 1, 2019: arguing as Appellant in one round and Respondent in the other round.

Saturday Arguments: The eight teams with the highest combined oral argument and brief scores after the Friday preliminary rounds will compete in the quarter finals on Saturday. Progress from the quarter-finals

to the semi-finals and then to the grand final (the “Final”) will be by knockout. Each team will be responsible for paying their own travel and accommodation costs. Each team will be responsible for obtaining the required travel documents. INTA will assist by providing letters of invitation to help with visa applications but teams are fully responsible to make any such requests in good time to meet the relevant deadlines. It is recommended that the necessary arrangements be made immediately after the submission of the entry form.

All teams are advised to make adequate plans for travel anticipating the possibility of adverse weather conditions or other delays. It is recommended to arrive at the competition location at least the day before the Competition.

Two team members will argue in each round of oral arguments. Any two team members can argue for the team in each of the arguments. All team members may be present for the team’s argument, even if they are not making the oral argument.

INTA will provide further information regarding times to appear for the Competition. If any team is late in arriving at the designated check-in time, before the scheduled start of an argument, or after the lunch break, the Project Team reserves the right either to declare a default or to assess penalty points. Participants must be seated in their scheduled courtroom at the appointed time of argument.

The timings and order for each speaker are as follows:

	Speaker	Preliminary rounds, quarter-finals and semi-finals	Final
	<i>Introductions (lead appellant and lead respondent)</i>	<i>Not counted in time allocation</i>	<i>Not counted in time allocation</i>
1	Lead appellant		
2	Junior appellant		
3	Lead respondent		
4	Junior respondent		
5	Rebuttal (lead or junior appellant) <i>optional</i>		
6	Surrebuttal (lead or junior appellant) <i>optional</i>		
	TOTAL TIME	Maximum 30 minutes per team	Maximum 40 minutes per team

Each team is allotted thirty (30) minutes for each oral argument in the preliminary rounds, quarter-finals, semi-finals and forty (40) minutes for the Final round. The team members can divide this time between them as they wish. In advance of the argument, the courtroom clerk must be notified as to how the time will be divided, including any reservation of time for rebuttal and sur-rebuttal.

The teams are responsible for observing the thirty (30)/forty (40) minute time limitation. The courtroom clerks, however, will assist with the use of time cards.

The courtroom clerk will advise each mooter when there are five (5) minutes, three (3) minutes and one (1) minute remaining of his/her allotted time. Once a mooter is informed by the courtroom clerk that the time has expired, he/she must conclude the argument or receive the Court’s permission to continue.

Each team may reserve up to five (5) minutes for rebuttal or sur-rebuttal by notifying the courtroom clerk prior to commencement of the argument. Rebuttal and sur-rebuttal time may be utilized by only one team member, and the time reserved must be subtracted from the thirty (30)/forty (40) minute allotment for that team to present its case-in-chief. Each team may waive reserved rebuttal or sur-rebuttal time at the conclusion of the Respondent’s argument or Appellant’s rebuttal.

8. ORAL ARGUMENT – SPECIFICS

At the commencement of each argument, the lead appellant and lead respondent shall introduce themselves by name to the Court. **The name of the team’s law school, or other participant-identifying information (e.g., nationality) shall not be mentioned or otherwise disclosed at any time before, during or after the argument.** Introductions are not counted in the allocation of time. Failure to comply with this Rule may result in automatic disqualification of the team from the Competition.

As this is an appeal, the facts of the case are admitted and agreed, and no new evidence or witness may be introduced.

Each mooter should address each judge as “Your Honour” or “Sir” or “Ma’am”.

The scope of the oral arguments is not limited by the briefs. The judges of the oral arguments will not have copies of the briefs. Instead each team should prepare a short skeleton argument for each of their appellant and respondent arguments. The skeleton argument must not exceed two sides of A4 paper for each team. The skeleton arguments will be given to the judges on the day of the oral arguments and be exchanged with the opposing side.

Teams must supply the judges a bundle of authorities relied on in their oral submissions including case law, statutes and academic articles. Each bundle may comprise a maximum of 250 A4 sheets. The bundles should include all authorities they are likely to rely on. To stay within the sheet limit, the authorities may be reproduced in full or in part. It is recommended that teams have with them a full copy in case requested by the judges. Each team should bring two bundles for each round which will be collected by the courtroom clerk for distribution to the judges.

Rebuttals are limited to the scope of the Respondent’s arguments rather than repeating submissions already made by the appellant. The surrebuttal must relate only to the specific points raised by the Appellant in its rebuttal.

Mooters should be prepared to address all issues. Mooters are not required to argue all issues, but the failure to argue important issues may be considered by the judges.

At the conclusion of each round, the judges will call a short adjournment during which they will score the teams, deliberate on the teams’ performance and decide on a winner of the round.

The teams will be invited to return to receive feedback and results of the moot from the judges. The eight teams which qualify for the quarter-finals will be announced on the evening of Friday, 1 March 2019.

Judges are allowed to give the same team score to both teams but one team must win the moot during the preliminary rounds. No discussion with the judges is permitted until their critique. As progress from the quarter-finals to semi-finals and then to the Final is by knockout, the judges in these rounds will only be required to select the winner of the moot. Team and individual scores will not be given.

Note: *Team members, coaches, faculty advisors or any other person affiliated with the team are permitted to attend only those arguments in which that team is participating. Other spectators are allowed to observe the argument only if no team raises an objection before the argument.*

The recording or taping of any argument by a competing team or persons affiliated with the competing team is expressly forbidden. Failure to comply with this Rule will result in automatic disqualification from the Competition.

The Project Team will make all attempts to ensure the impartiality of all judges. Any team that recognizes an affiliation between its team or the opposing team and any sitting judge should raise an objection prior to the argument. Failure to object before the argument commences is a complete waiver of this right.

Reasonable demonstrative exhibits are permitted.

9. OUTSIDE ASSISTANCE

Teams are expected to rely upon their own research and originality of thought in drafting their briefs and preparing for oral arguments. Specifically:

- a. No team may receive any outside assistance, including assistance from faculty members, coaches, other students or legal advocates, in the writing of its brief. Before briefs are submitted, team members may not discuss the facts of the problem, issues on appeal, or arguments that may be or will be presented on appeal with anyone other than their fellow team member(s). This Rule shall not be construed to prevent the general discussion of issues in trademark law with faculty or others.
- b. No team is permitted to review briefs (or drafts of briefs) prepared by anyone else relating to the specific case being briefed and argued in this Competition.
- c. No team may have its brief (or drafts of briefs) critiqued by any faculty member (including the faculty advisor) or other person who is not a member of that team prior to submission of the final brief to INTA.
- d. Students may review briefs prepared for other cases or other competitions.
- e. Practice arguments are permitted only after briefs have been submitted to INTA, as are critiques and evaluations of such practice arguments, by faculty and others.
- f. Briefs shall not be exchanged between teams participating in the Competition (including teams from the same school).

10. SCORING

Three judges will independently score each brief. A panel of judges will independently score each team's oral arguments.

The judges' evaluations of the briefs and oral arguments should not be affected by their personal views of the merits of the case. Copies of the judging criteria for the brief and oral argument are attached as Appendix I and II respectively.

In computing the total score for each team, the brief score is 50% and the oral argument score is 50%.

In the event of a tie in total scores, the advancing or winning team shall be the team with the higher oral argument score.

In the event the oral argument scores also are tied, the advancing or winning team shall be the team with the higher score in the second round of oral argument. In the event those scores also are tied, the advancing or winning team shall be determined according to their aggregate win/loss record. .

The judges' decision will be final.

11. AWARDS

Award winners will be announced immediately after the Competition. Awards include the following:

Award	Criteria	Cash Prize to Winning Team
Best Team	Highest total score (overall brief and oral argument scores combined)	US \$3000 (and also US \$1000 to Team's law school)
Second Place Team	Second highest score (overall brief and oral argument scores combined)	US \$1500
Best Brief	Highest overall brief score	US \$1000
Second high brief score	Second highest overall brief score	US \$500
Winner of the Final of the Oral Argument		US \$1000
Runner Up in the Final of the Oral Argument		US \$500

12. RANKING

After the Competition, INTA will notify each team by e-mail of its oral argument, brief, and overall rankings. **Individual and team scores ARE NOT released.** Individual team briefs or the winning brief will not be posted or distributed, but may be used by INTA or the Project Team.

13. POWERS OF THE PROJECT TEAM

The Project Team shall have sole discretion to interpret and apply these Rules, and to assess penalties or to disqualify teams for failure to abide by any of the foregoing Rules. At the Competition, and given the need for exigent decisions during the Competition, the coordinator appointed by the Project Team is empowered to interpret and apply these Rules on behalf of the Project Team, including the assessment of penalties and the disqualification of advocates, concerning matters that arise in connection with the arguments.

All requests for Rule interpretations must be submitted by e-mail to mootcourt@inta.org if you do not receive a response within three (3) business days, please call the Coordinator, Academic Programs at +1-212-642-1707.

At the Project Team's discretion, the response to any inquiry may be sent to all participating teams. All decisions of the Project Team regarding Rules interpretations are final.

The Project Team shall have sole power to resolve any dispute, which may arise during the Competition. All objections must be submitted to the Project Team in writing, or be put on the record at the commencement of oral argument. If an objection arises during the course of an oral argument, the objection must be submitted to the Project Team immediately following the round in which the objection arose.

APPENDIX I

Judging Criteria for the Brief

Scoring is based on a 100-point rating scale

<p style="text-align: center;">PART A: LEGAL ANALYSIS Maximum of 60 points TOTAL for the following:</p>
Focus on relevant issues
Originality and creativity
Effective use of cases and other authorities
Effectiveness in dealing with contrary arguments and authorities
<p style="text-align: center;">PART B: WRITING QUALITY Maximum of 40 points TOTAL for the following:</p>
Logical organization
Clarity in expressing arguments
Effectiveness of writing style
Use of proper grammar and citation form; overall appearance of the brief
<p style="text-align: center;">PART A AND PART B COMBINED NOT TO EXCEED 100 POINTS TOTAL.</p>

The Judges' evaluations of the briefs and arguments presented should not be affected by their personal views of the merits of the case.

APPENDIX II

Judging Criteria for Oral Argument

Scoring is based on a 100-point rating scale

MAXIMUM FOR ALL CRITERIA COMBINED IS 100 POINTS TOTAL.
Coherence and clarity of argument
Effectiveness in responding to judges questions and ability to return effectively to argument after questions
Effectiveness of delivery and ability to engage in a dialogue with the court
Poise and demeanor
Use of most powerful arguments
Logical ordering of argument and effective use of time
Distinction of unfavorable authority
Mastery of facts of case being argued and the decision below
Knowledge and understanding of relevant Precedent

The Judges' evaluations of the oral argument should not be affected by their personal views of the merits of the case or any briefs the Judges have seen. Scoring is to be based entirely on the oral argument.

The Judges are encouraged to engage the participants in a dialogue, as the evaluation of the abilities of the participants according to the above scale becomes much easier to the extent that the Judges do so. The Judges also are asked to comment on the arguments and to provide critiques of the individual participants (but **not** disclose any scores), after the arguments in each round conclude.