

2022 Asia-Pacific Moot Court Brief Writing Competition

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.

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 will comprise of one stage, a written phase (the “brief”). The brief must be submitted by each team by **5:00 P.M. U.S. Eastern Time, Thursday July 14, 2022.**

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.

The Competition shall contain a minimum of four teams.

3. ENTRY FORM

Each team desiring to participate must complete the online entry form to be received by INTA no later than 5:00 P.M. U.S. Eastern Time, June 16, 2022. 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 competitions@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, July 14, 2022, the date briefs are due. Please email competitions@inta.org if you have issues replacing members of your team. 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.

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, July 14 2022. 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 July 18 2022.

If the team leader does not receive an auto-generated e-mail reply confirming receipt of the brief by INTA, please e-mail competitions@inta.org or call +1-212-642-1707 by 5:00 P.M. U.S. Eastern Time on July 18 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.

. 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, 4.pdf)
- As well as 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.

7. 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. Student 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).

8. SCORING

Three judges will independently score each brief. The judges' evaluations of the briefs should not be affected by their personal views of the merits of the case. Copies of the judging criteria for the brief are attached as Appendix I.

In computing the total score for each team, the brief score is 100%.

9. AWARDS

Award	Criteria	Cash Prize to Winning Team
Best Brief	Highest overall brief score	US \$1000
Second Place Brief Score	Second highest overall brief score	US \$500
Third Place Brief Score	Highest overall brief score	US \$250

11. 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.

12. 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 competitions@inta.org if you do not receive a response within three (3) business days, please call the Senior Coordinator, Knowledge & Development 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.

Appendix I:

<p>PART A: LEGAL ANALYSIS Maximum of 60 points TOTAL for the following:</p>
<p>Focus on relevant issues</p>
<p>Originality and creativity</p>
<p>Effective use of cases and other authorities</p>
<p>Effectiveness in dealing with contrary arguments and authorities</p>
<p>PART B: WRITING QUALITY Maximum of 40 points TOTAL for the following:</p>
<p>Logical organization</p>
<p>Clarity in expressing arguments</p>
<p>Effectiveness of writing style</p>
<p>Use of proper grammar and citation form; overall appearance of the brief</p>
<p>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.