# **CMS Intellectual Property Moot 2022**

**COMPETITION RULES AND REGULATIONS**

**A.** **Introduction**

**1.** **Goals.** The CMS Intellectual Property Moot 2022 (the “**Competition**”) is intended to stimulate interest in mooting, and to create awareness of this mode of dispute resolution. Furthermore, being an Intellectual Property (“**IP**”) moot, and the first of its kind domestically, the Competition is intended to increase interest and awareness in this area of law. The Competition is designed to be educational, with a parallel objective of promoting oral advocacy skills.

**2.** **Organiser and Sponsor.** The Competition is organised by the National University of Singapore (“**NUS**”) Mooting and Debating Club (the “**MDC**"), and sponsored by CMS Singapore ("**the firm**").

**3.Eligibility.** The Competition is only open to all law students who have not graduated with a L.L.B. or its equivalent.

**B.** **General Provisions**

**4.** **Language.** The Competition shall be conducted only in the English language.

**5.** **Venue.** The oral hearings for the preliminary and semi-final rounds of the Competition will be held online. The oral hearings for the final will be held in person at the NUS Moot Court. Details on the conduct of the oral hearings are set out in Section D below.

**6. Interpretation of Rules.** MDC's and the firm’s decision(s) as regards the interpretation of rules shall be final. MDC's and the firm’s decision(s) on any matter relating to the conduct of the Competition which is not expressly provided for in the Rules shall be final as well.

**7. Amendments to Rules.** MDC and the firm reserve the right to modify, amend or change any of the Rule(s), at any time, without prior notice to any party, as may be deemed expedient and/or necessary for the conduct of the Competition. Any modification, amendment or change of any Rule(s) will be communicated to each participant of the Competition (“**Participant**”) by MDC via email.

# **8.** **Penalties**

**8.1** MDC and the firm reserve the right to take any action that they deem appropriate for the breach of any of the Rule(s) by any Participant. MDC and the firm also reserve the right to take any action that they deem appropriate against any Participant who has been found by MDC and the firm to have committed any unethical and unprofessional conduct in the course of the competition.

**8.2** Any Participant who wishes to withdraw after registering must do so by **31st December 2021, 1200**, and must provide good reasons for their withdrawal, which the firm will be notified of. The firm retains the sole discretion to decide if a Participant may be permitted to withdraw. MDC also reserves the discretion to blacklist any Participant who is unable to provide satisfactory reasons for withdrawal, or attempts to withdraw after the deadline. Participants on the blacklist will not be allowed to participate in any future MDC-organized moots or advocacy competitions.

**9.** **The Problem.** The Competition involves a legal problem based on a hypothetical situation. All relevant facts are given in the Problem and any clarifications thereto will be issued further to paragraph 10 below. No additional facts may be introduced into arguments (whether written or oral) unless they are a logical and necessary extension of the given facts or are publicly available facts. Any introduction of a fact that is not a logical and necessary extension of the facts given in the Problem or is not a publicly available fact will be deemed to be a breach of the rules of the Competition and the Judges retain the discretion to penalise the Participant accordingly.

**10.** **Clarifications.** Any request for clarifications must be sent by email to the following email address: cms.ip.nusmooting@gmail.com and be received by **1800, 1st January 2022.** Answers to request for clarifications (if any) will be distributed to all Participants by **1800, 3rd January 2022.** The firm retains the sole discretion to decide whether to provide answers to any requests for clarifications. No further requests for clarification in respect of the aforesaid answers will be entertained in any event.

# **C.** **Written Memorandum**

**11.** Each Participant must submit a skeletal memorandum setting out their arguments in support of the side they have been assigned to by **5th January 2022, 2359,** via email to their opponent, and cc cms.ip.nusmooting@gmail.com . Participants who fail to submit the required memorandum on time will be penalised according to the discretion of MDC and/or the firm and may be disqualified from taking part further in the Competition.

**12.** **Page limit**. Each skeletal memorandum must not exceed 2 A4 pages. Any memorandum which exceeds this page limit may be penalised accordingly at the Judges’ discretion.

**13. Format.** The memorandum must be typed with a minimum font-size of 12 point and with double line spacing. All margins must be at least one inch or 2.5 cm. Any memorandum that does not comply with these formatting rules may be penalised accordingly at the Judges’ discretion.

**14.** **Style.** The memorandum is intended to aid the Judges in deciding the dispute. The memorandum must include full citations.

**D.** **Oral Hearings**

**15.** **Venue.** The preliminary rounds of the oral hearings will be over zoom on the evening of **7th January 2022.** The semi-finals will be held over zoom on the evening of **14th January 2022.** The Grand Final of the competition will be held at the NUS Moot Court on the evening of **21st January 2022**. MDC will advise all Participants of the timing of each round in due course.

**16.** **Duration of Oral Arguments.** The duration of oral arguments differs for each round, as set out below. The time permitted for presentation of oral arguments *includes* time for any rebuttal or surrebuttal as well as questioning by the Judges. Any extension of time is solely at the discretion of the Judges. Participants who exceed the time limit will be penalised accordingly unless the Judges have expressly permitted an extension of time.

# **Preliminary and Semi-Finals.**

**17.** **Duration.** Each Participant is given **10 minutes** in the preliminary rounds to present their oral arguments to the Judges. The order of speaking will be as follows: Counsel for the Opponent, Counsel for the Applicant, Rebuttals by the Opponent, Surrebuttals by the Applicant.

**18.** **Pairing of Counsel.**

(a) Preliminary and Semi-Finals. Participants will individually present oral arguments for their assigned side in the preliminary and semi-final rounds. The same problem will be used for both the preliminary and semi-final rounds. The assigned side will remain the same for the semi-finals unless in necessary circumstances, where the relevant Participants may be required to represent a different side from the preliminary round as may be solely decided by the firm.

(b) Grand Finals. A different problem from the preliminary and semi-final will be used for the Grand Finals. Participants who proceed to the Grand Finals may be required to represent a different side for those rounds. The pairing of opposing teams/counsels for all rounds will be determined by MDC and the firm.

**19.** **Exchange of memorandum**. Participants are required to exchange their memorandum with their opponents latest by **5th January 2022, 2359**. Participants are also required to cc cms.ip.nusmooting@gmail.com in the email. Participants who fail to comply will be penalized accordingly by the Judges.

**20.** **Notification of additional authorities.** Participants are required to inform their opponent (and cc cms.ip.nusmooting@gmail.com) of any new authorities which they intend to rely on that have not been cited in the memorandum latest by **1200, 6th January 2022**. Participants who fail to comply will be penalised accordingly by the Judges.

**21.** **Results.** The results for the preliminary will be released by **1800, 9th January 2022**. The results for the semi-finals will be released by **1800, 16th** **January 2022** or such later time as may be determined by MDC / the firm in their sole discretion.

**22.** **Scope of arguments.** Participants are not limited to their memorandum at the oral hearing but are **strongly advised** not to deviate too far from it. Participants may be penalised depending on the extent to which they deviate from their memorandum at the oral hearing. This rule does not apply to a Participant’s response to the Judges’ questioning or the logical and necessary extension thereof.

**23.** **Rebuttals**. The scope of the claimant’s rebuttal is limited to responses to the respondent’s oral arguments, and the scope of the respondent’s surrebuttal is limited to responding to the claimant’s rebuttal. If the claimant waives rebuttal, the respondent may not appear for surrebuttal. No legal issues which were not raised in the substantive oral arguments may be raised in the rebuttal or surrebuttal.

**24.** **Exhibits.** No exhibits that are not part of the given Problem or any additional material may be used during the oral hearings, unless the express permission of the Judges **and** the agreement of opposing counsel have been obtained.

**25.** **Semi-finals.** The top four Participants from each assigned side (overall, top eight Participants) will advance to the semi-finals. The problem will remain the same and the semi-finalists will moot according to their previously assigned side, unless as otherwise decided by the firm in such necessary circumstances as set out in Rule 18(a).

**26.** **Judging criteria.** Participants will be evaluated on the basis of the quality and coherence of their oral arguments, their presentation style (which includes persuasiveness, clarity and structure), and the ability to respond substantively to the Judges’ questions. Participants are reminded that the inclusion of any statement of fact that is not a logical and necessary extension of the facts given in the Problem or is not a publicly available fact in their oral arguments will be penalised.

**Finals.**

**27.** **Format.** The top four Participants from the semi-final rounds will advance to the Finals.

**28.** **Pairing of Counsel.** Finalists will moot in pairs. Pairs are free to determine between themselves the order and content of each speaker’s submissions. The pairing of counsel will be determined by a draw of lots or by MDC/the firm at their sole discretion.

**29.** **Skeletal Memorandum.** Participants are required to prepare a skeletal memorandum pursuant to Rules 11 to 14. Finalists will be informed of the procedure and deadlines for submission at a later date.

**30.** **Scope of arguments/Rebuttals.** Rules 22 and 23 are repeated here.

**31.** **Exhibits.** Rule 24 is repeated here.

**32.** **Judging criteria.** Rule 26 is repeated here.

**E.** **Awards**

**33.** **Oral competition.** The champion will receive a cash prize of $1,200. The 1st Runner-up will receive $800, with the joint 2nd Runners-up receiving $500 each. Additionally, all finalists will be offered an internship at CMS Singapore or IPOS.

# **F. Timeline**

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| 17 Dec 2021, 2359 | Release of Moot Problem, on MDC website |
| 30 Dec 2021, 2359 | Deadline for Moot registration |
| 31 Dec 2021, 1200 | Deadline for withdrawal from the moot |
| 31 Dec 2021, 1800 | Release of allocation and match ups |
| 1 Jan 2022, 1800 | Deadline for request for clarifications |
| 3 Jan 2022, 1800 | Release of clarifications |
| 3 Jan 2022, 1830 | Online Primer Workshop |
| 5 Jan 2022, 2359 | Deadline for exchange of submissions |
| 6 Jan 2022, 1200 | Deadline for notification of additional authorities |
| 7 Jan 2021, 1730 | Start of the preliminary rounds |
| 8 Jan 2021, 1800 | Release of the preliminary rounds’ results |
| 8 Jan 2021, 1800 | Release of Semis allocations and Match Ups |
| 14 Jan 2022, 1730 | Start of the semi-final rounds |
| 15 Jan 2022, 1800 | Release of Semi-final rounds’ results |
| 15 Jan 2022, 1800hrs | Release of Finals Moot Problem |
| 15 Jan 2022, 1800hrs | Release of Finals allocation and match ups |
| 21 Jan 2021, 1800 | Grand Finals |