



Faculty of Law (GLS Law College)

National Virtual Judgement Writing Competition 2021-22

General Rule Book

ABOUT GUJARAT LAW SOCIETY

Gujarat Law Society (GLS) is a premier educational group, offering courses in multiple disciplines. It stands as a synonym for contemporary education in the region with its state-of-the-art infrastructure which houses nearly 29 institutes in various spheres. The society has a particularly expansive alumni group too which echoes the values that GLS has imparted, right since its inception. Being a part of some of the most distinguished corporations, across the globe, these members of the society's alumni have carved out a niche identity for themselves, that of being responsible, pragmatic and proactive.

GLS trust with superlative education began in 1927; almost 94 years back when a few visionaries stepped forward to transform the standards of education in the region. The institute derived its inspiration from and was founded by such luminaries as Sardar Vallabhbhai Patel, Shri Ganesh Mavlankar, the first Speaker of the country and Shri I.M. Nanavati with the vision of Excellence in Education. It was their foresight in the year 1927 that laid the foundation for an organization which has illuminated lacs of lives ever since.

It is the dynamism, sagacity and pragmatic approach of the management of GLS that guided the society on its path to glory. Constant support by the governing council currently spearheaded by Shri Sudhir Indravadan Nanavati that has led GLS to grow from a single law college to nearly 29 institutions ranging from graduate and post-graduate colleges in diverse areas such as arts, commerce, law, management, computer applications and professional courses.

About GLS University

GLS University has been established with the objective of providing an ideal and creative learning environment and continuing the tradition of excellence in education of the sponsoring body of the University, viz., Gujarat Law Society (GLS) Gujarat Law Society, established in the year 1927, is one of the largest and oldest educational institutions in the State of Gujarat.

GLS currently has more than 25,000 students pursuing their graduate, post graduate and doctoral level studies at various levels within the university and its constituent colleges/institutions. GLS has currently more than one million alumni, all established in several spheres of work including business, commerce, law, science, arts and culture. Several of these alumni are noted entrepreneurs. The university is currently hosted in a state of art campus within the heart of the city fully equipped with advanced technological tools to facilitate education.

About Faculty of Law

Faculty of Law (FOL), constituent department of GLS University, is a premier destination for students interested in establishing a virtuous career in Law and aiming to become torch bearers of Justice. Faculty of Law has emerged as the most preferred destination for legal education. The college has an advantage of senior and well experienced faculty members in the field of Law. The senior practicing advocates also contribute in teaching and providing experiential learning to law aspirants. The teaching pedagogy includes classroom discussions, case studies, interactive presentations, guest lectures, expert sessions, seminars, conferences, and case law methods coupled with intensive practical training through moot courts. It is worthy to note that Faculty of Law has ventured in all possible educational arenas by organizing International Conferences, National Moot Court Competitions, National Sports Fest, various seminars at National and International level. It has now become the epicentre where knowledge liberates; ideas are conceptualized and shaped into existence. The untiring contribution made by Faculty of Law has enabled the college to secure a position in Forbes Legal Power list 2020 as one of the most promising and top law schools.

About the Competition:

The Judgment Writing Competition, 2022 has been conceived with the aim to cultivate the art of writing judgments among students to push the students to write judgments. The students are given the feel of assuming the role of the judge. The great strength of this contest is to engage the students with multi-tasking of both creative lawyering and innovative judging

The judgment writing competition will have the following principles and purpose:

- To develop a judicious mind.
- To apply legal concepts with a clarity of thought.

- To promote the spirit of the rule of law and justice.
- To interpret the law in a justifiable manner with a view to meet ends of justice

General Rules

Short Title: These Rules shall bear the title Online Judgement Writing Competition Rules 2022.

1. **Definitions:** Unless otherwise stated following shall be construed as under–
 - I. “Administrator” shall mean the Faculty of Law Organizing Committee
 - II. “Clarifications” shall mean any questions, inquires or doubts sent by a registered team (after final registration) to the organizers seeking any factual clarification(s) in the Moot Preposition. The clarifications, if any, provided by the college shall be considered as if it were a part of the Moot Proposition and shall have no individual significance.
 - III. “Institution” means any recognized Law school/college or university.
 - IV. “Participating Team” means the team which has registered itself for the competition as per the rules for registration
 - V. “Participating Institution” shall be presumed to be the parent institution of the participating teams
 - VI. “Organizer” means the GLS Law College, Ahmedabad
2. **Language:** The language of the Competition shall be only English.
3. **Important Dates**

Date	Event
20th January 2022	Release of Moot Proposition, Rules, and Commencement of Registration (Through Google form) https://forms.gle/wc5eJaNLkifbTfP36
31st January 2022	Last Date for Registration
15th February 2022	Last Date for seeking Clarifications
25 th February 2022	Last Date of Submission of Judgment (Through Google form)

March 8, 2021	Declaration of Result
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- **Eligibility Criteria:** The Competition shall be open to students who are Pursuing an integrated 5 year LL.B. programme in India or pursuing a 3 year LL.B. programme in India
 - . **“Participating Institution”** shall be presumed to be the parent institution of the participating teams. **From each institute only one teams can represent the institute.**
 - Provided in furtherance to the above clause, the first 24 teams shall be reckoned on basis of the final registration
4. **Team Composition:** Each team shall constitute of 2 members, under no condition shall a team consisting of more than 2 members be allowed to participate.
5. **Registration**
- The participating institutions have to register by filling up the Google form (link has been given below) on or before 31st January 2022 by 11:59 PM (IST)

Google form Link for registration and payment:

https://docs.google.com/forms/d/e/1FAIpQLScH9vuek4B5eI2bRnrRsCwhtcCmHINz64D-M8nmf4Pqaxr1_A/viewform

6. **Registration Fee:** To confirm participation, teams of every Institution should register themselves with the Registration forms duly signed by the heads of the institution along with the fees of Rs.500/-per team. The payment will be made through RTGS.

In Favour of: GLS Law College
HDFC BANK, NR MITHAKHALI SIX ROAD, NAVRANGPURA
AHMEDABAD
A/C NO.57500000018593
IFSC CODE: -HDFC0000006
MICE: 380240002

7. Submission Guidelines

- It shall not exceed 2500 words (excluding authorities).
- The write-up shall be in Times New Roman, Font size 12 and the line spacing 1.5. Footnotes shall consist of size 10 and spacing of 1.
- The team is required to cite authorities similar to Judgments of Court.

- The write-ups shall have no plagiarism and should be an original work of participants.
- The participant shall follow 20th Edition Blue Book Citation.

Teams shall not reveal their identity in any form, except by means of the Team Code allotted to them during the Competition.

The Written Submissions shall not reveal the identity of the team in any form and should not bear the logo, name etc. of the University represented.

8. Evaluation Criteria

Criteria	Marks
Preparations of Facts	20
Identification of Issues	20
Analytical Reasoning	20
Authorities, Statues, and other provisions of law cited	20
Format and Presentation	10
Knowledge and use of legal principles	10
Total	100

9. TIE BREAKER

In the event of tie between the marks of two teams, the team having least plagiarism will be considered.

10. PENALTIES

There will be negative marking for late submission, wrong file name, exceeding the page limit, Plagiarism of more than 10%

11. Categories of Award

Trophy to the Winning Team	Cash prize of Rs. 10000/-
Trophy to the First Runners up Team	Cash prize of Rs. 5000 /-
Trophy to the Second Runners up	Cash prize of Rs. 3000 /-

Certificate will be issued to all the participants.

12. Judges:

The competition will be judged by the panel of two esteemed Judges.

13. Interpretation of Rule Book

The interpretation of these rules by the organizer shall be conclusive. The decision of the organizers for the above stated rules shall be final and binding to the participating teams.

Rules should be strictly adhered to. Any deviation from the above stated rules would attract penalties at the discretion of the Judgement Writing Committee

In case of any Queries and Clarifications feel free to contact us at glsjcjudgementwriting@gmail.com

Virtual Judgment Writing Committee

Convener

Dr. Mayuri Pandya

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Faculty Coordinator

Dr. Vidhi Shah (9879797182)

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GLS University

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Assistant Professor Faculty of Law

GLS University

Faculty of Law
National Virtual Judgement Writing Competition 2021-22

Moot Proposition

1. Zandiva is one of the fastest developing country of the world. It is multi-racial, multi-lingual, multi-cultural and multi-religious federal democratic. Industries in the country is fast developing and innovation and creativity is at its peak in last decade. The Country has a well-developed Intellectual property law. VastraVeneca is a global, innovation-driven biopharmaceutical business that focuses on the discovery, development and commercialisation of prescription medicines, primarily for the treatment of cardiovascular, metabolic, respiratory, inflammation, autoimmune, oncology, infection and neuroscience diseases. VastraVeneca operates in over 100 countries and its innovative medicines are used by millions of patients worldwide.
2. Diabetes was estimated to affect more than 380 million people worldwide. The prevalence of diabetes is projected to reach more than 592 million by 2035. Type 2 diabetes accounts for approximately 85% to 95% of all cases of diagnosed diabetes in adults. Type 2 diabetes is a chronic disease characterised by insulin resistance and dysfunction of beta cells in the pancreas, leading to elevated glucose levels. Over time, this sustained hyperglycaemia contributes to further progression of the disease. Significant unmet needs still exist, as many patients remain inadequately controlled on their current glucose-lowering regimen.
3. VastraVeneca completed, on 1 February 2014, the acquisition of the entirety of Bayer-Myor Squid's interests in the companies' diabetes alliance. The acquisition gives VastraVeneca ownership of the intellectual property and global rights for the development, manufacture and commercialisation of the diabetes business, which includes Onglyza® ,Kombiglyze™ XR, Komboglyze™, Forxiga®, Xigduo™ Byetta® amongst other similar compositions. On completion of the acquisition, VastraVeneca paid BMS \$3.7 billion of initial consideration. VastraVeneca has also agreed to pay up to \$1.2 billion in regulatory, launch and sales payments, and various sales-related royalty payments up until 2025.
4. Zandiva is a developing country in South East Asia. Zandiva is a country having a well-established statutory legal framework in the domain of Intellectual Property Rights i.e. Patents, Trade Marks, Copyright, Geographical Indications and Designs. It has also

ratified the TRIPS Agreement and has made efforts to make all its IP Laws TRIPS compliant. Zandiva ranks **3rd** in terms of pharmaceutical production by volume and 14th by value. The domestic pharmaceutical industry includes a network of 3,000 drug companies and 10,500 manufacturing units.

5. Wee Pharma Limited, is a Zandivian pharmaceutical company has been established in 1997 in India which is research driven company with key focus on development, synthesis and commercialization of new products and cost effective processes. It is involved in manufacture of several intermediate chemicals, Active Pharmaceutical Ingredients & Semi-finished Dosage Forms (Pellets & Granules) and Finished Formulations. It has numerous clients in India as well as across the globe. Also Wee Pharma's Manufacturing facilities are approved by several international regulatory bodies such as United States Food and Drug Administration (USFDA), European Union Goods manufacturing practice (EUGMP), World Health organisation(WHO) etc.
6. Wee Pharma Ltd., is filed an application before the Controller of Patents on 6th June 2019 seeking the grant of a Compulsory License for manufacturing and selling of the drug XAGLIPTIN and as mentioned above VastraVeneca holds the right to the manufacture and sell the drugs in Zandiva since the acquisition of rights from BMS. The drug is protected by patent number 9019438. XAGLIPTIN is a drug used in the treatment of Type –II Diabetes Mellitus also known as Adult Onset Diabetes Mellitus, and is sold under the brand name GLYNZA in dosages of 2.5mg and 5mg. It is also sold in combination with Metformin under the brand name GOMBIGLYZE XR.
7. Wee Pharma filed an application for CL on the grounds that:
 - The reasonable requirements of public with respect to the patented invention have not been satisfied; and
 - The patented invention is not available to the public at a reasonably affordable price; and
 - The patented invention is not worked in the territory of Zandiva.
8. Wee Pharma had made a request for grant of a voluntary license to VastraVeneca with respect to the patent 9019438, in June 2018, and VastraVeneca replied to Wee Pharma seeking certain clarifications and disagreeing with Wee's claim that XAGLIPTIN was not available to the general public at a reasonably affordable price. Wee pharma made unqualified efforts to procure a Voluntary License (hereinafter VL) from the patentee on reasonable terms and conditions but period of one year lapsed and the applicant did

not respond to the queries raised by the patentee after making a request for a VL Wee Pharma then decided to approach the Controller of Patents.

9. Based on the evidences submitted to the Controller by the applicant, the controller found that Wee Pharma had made efforts to obtain a license from the patentee on mutually agreeable terms and a reasonable period as envisaged under the Act had elapsed without the efforts being successful. While considering the matter the Controller placed reliance on a number of judgements and noted that the reasonable requirement of the public has to be considered by the authorities in the context of number of patients requiring the patented drug. The Controller observed that in the present application, the Applicant has not shown what is the reasonable requirement of the public with respect to the patented drug in India in the context of number of Type-II DM patients requiring the patented drug.
10. Further, the Controller observed that the Applicant also failed to demonstrate the comparative requirement of the patented drug vis-à-vis other drugs which were also Dipeptidyl Peptidase-4 [DPP-4] inhibitors, which are required for the treatment of Type-II DM and are available in the Indian market so that the reasonable requirements of the public in respect of the patented drug could be arrived. Furthermore, the Controller observed and noted the failure of the Applicant to submit any authentic data/ statistics on the patent drug's prescription by the doctors in India over the other DPP-4 inhibitors. In fact, the Controller noted that the patented drug was listed as an Essential Medicine in the Essential Medicines List of the Govt. of NCT of Delver for the treatment of Type-II DM.
11. The Controller noted that the calculations submitted by the Applicant to assert that the reasonable requirement of the public were not met by VastraVeneca were mere assumptions and conjecture and did not arise out of authentic data/ statistics and thus, such assumptions were not sufficient and could not form the basis to prove the Applicant's assertion.
12. Accordingly, the Controller held that a prima facie case has not been made out by the Applicant to the effect that the reasonable requirements of the public with respect to the patented invention were not satisfied. In view of all the above observations, the Controller found that, a *prima facie* case could not be made out for making an order

under the Patents Act and issued his decision in favor of VastraVeneca. Wee Pharma made an appeal before the High Court of Delver. The Court noted Wee had not shown how the reasonable requirement of the public for saxagliptin and other similar drugs like linagliptin, sitagliptin and vildagliptin were not met. Besides, the order termed as assumptions Wee Pharma's argument that the product was not made available in sufficient quantity and marketed at an affordable rate.

13. Wee Pharma had argued that even if the other three drugs in the same class--linagliptin, sitagliptin, vildagliptin--were prescribed to 90% of diabetes patients and only 10% were prescribed saxagliptin, six million patients would still require the drug. It argued that even if one million patients were prescribed saxagliptin, the total tablets of Onglyza and Kombiglyze supplied by the patentee (i.e. 823,855 tablets as per Form 27 data) would be inadequate to meet the requirements of the public and lead to a shortage.
14. Hearing both the parties, there contention's in final hearing, the High Court of Delver has kept the matter for delivering the Judgement.

Note: The Laws of the Union of India are to be applied to the given moot preposition.

Disclaimer: This problem is a hypothetical moot problem. It is only for academic purpose having no concern with any of the pending/decided cases before any court and all details and name of parties are fictitious and has nothing to do with reality, even if found similar it is mere coincidence.