

2017 BFSU-WANHUIDA Intellectual Property Moot Court

Competition

OFFICIAL RULES

January 2017

This Competition is organized by School of Law at Beijing Foreign Studies University (BFSU) with an aim to promote legal education and awareness of the actual problems in intellectual property disputes arising in China.

The Competition is open to all college students who meet the basic requirements specified below.

1 GENERAL

- 1.1 **Organizing Committee.** An Organizing Committee is hereby formed to draft the Problem, provide general guidelines, promulgate rules, conduct supervision, and seek financial support for the activities of this Competition. The Committee will be made up of members chosen by BFSU School of Law.
- 1.2 The Competition will be conducted in English in terms of the problem, the procedural rules, written briefs and oral presentation.
- 1.3 The location of the Competition will be chosen by the Organizing Committee.
- 1.4 The Competition is scheduled for **May 20 and 21, 2017** during the weekend.
- 1.5 **Fictitious Procedural Rule.** The trial court, *for purposes of this Moot Court*, shall have the power, under merger jurisdiction (or special jurisdiction), to adjudicate the present disputes relating to the same subject matters and/or arising under the same underlying facts, involving patent and trademark infringement, or administrative issues. The reviewing court shall have the power under appellate jurisdiction. However, different rules of procedure and evidence apply.

judges, and research. Translation of reference materials may be provided upon special request, and possibly with cost.

- 2.2 **Application.** Any team willing to participate must send an Application Form as early as possible to the Organizing Committee by e-mail (preferred), fax or phone (contact information is listed at the end of the Rules and the Application Form). The Application Form shall indicate the team name, members of the team, and other items as required. The Application is recommended as early as possible, and must be completed no later than **March 31, 2017**.
- 2.3 **The IP Problem and Reference Materials.** The Problem and essential reference materials are available for download at the BFSU Law website <http://sl.bfsu.edu.cn>.
- 2.4 **Anonymity & Code Name.**

- 4.4 Chinese laws, regulations and the Supreme People’s Court’s interpretive announcements will be the governing law in general; guiding cases issued by the Supreme People’s Court of People’s Republic China could be used as reference; international laws and treaties which by adoption have been incorporated into Chinese laws will also be binding; all other legal authorities, such as national laws of other countries, judicial decisions of any court other than guiding cases issued by the Supreme People’s Court of PRC, domestic or foreign, or commentaries made by legal scholars, will be considered at best as persuasive but not binding.
- 4.5 For issues of first impression (meaning: not dealt with in the governing laws), a team is free to make an argument citing secondary authorities, which will be considered at the judges’ discretion.
- 4.6 **The Problem.** The Problem is the complete record of all the facts available to both parties and the court; both written and oral arguments must be based solely on such facts; and any argument based on outside information will be ruled as either groundless or irrelevant.
- 4.7 **Reference Material.** Although some statutory materials have been given in the form of footnotes or appendixes, it has to be understood that all participating teams will make their own research on legal authorities, and present their argument on the basis of such authorities.
- 4.8 **Written Briefs.** Each participating team will submit two (2) written briefs, one for Petitioner, and the other

minutes. The petitioning party may make a rebuttal for no more than five (5) minutes, to which the responding party may make a surrebuttal in like manner. The second round of debate is in the same way.

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The Competition Champion, the Runner-up, and the Second Runner-up.

The best Memorandum (4).

The best Oralist (4).

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7 COMPLAINTS

- 7.1 A team may not make any complaint as to the judges' grading.
- 7.2 A team may make a complaint as to improper administration of the courtroom procedure, such as time-keeping and penalties. However, a team may not request extension of time simply on basis of judges' interruption or questioning.
- 7.3 All complaints, except minor complaints not affecting proper conduction of the oral presentation, must be filed in writing with the Organizing Committee *after* the oral presentation.
- 7.4 The only remedies available, if the complaint is sustained by the Committee, will be in the form of cancellation of the penalties or imposing a penalty on the opposing side. In no event will the oral presentation be conducted again.

8 INTERPRETATION OF THE RULES

- 8.1 These rules are final and interpretation must be made by the Organizing Committee.
- 8.2 Errata and corrigenda may be posted on the BFSU Law website.

9 CONTACT INFORMATION

- 9.1 All written briefs are to be sent to:

Liu Xin
School of Law
Beijing Foreign Studies University,
No. 2 Xisanhuanbeilu, Haidian District
Beijin

9.2 Any suggestions or comments may be sent to

BFSU IP Moot Court Competition

The Organizing Committee

E-Mail: ipmootcourt@bfsu.edu.cn, or liulijuan@bfsu.edu.cn

Attention: Liu Lijuan

Tel.: 86-1390-105-6026