

Oxford Intellectual Property Moot 2009

Rules

Abbreviations and Definitions

OC	2009 Moot Organising Committee
Panel	Panel of Judges for Written Submissions as appointed by the OC
Bench	The group of judges for a given moot round in the oral proceedings weekend.
Moot	The Oxford International Intellectual Property Mooting Competition, 2009

Registration and Eligibility

1. The moot is open to anyone currently enrolled in a full-time higher education course, provided that s/he has not already:

 - a. enrolled on a research course in law; or
 - b. practised law in any jurisdiction

where the practice of law is considered to include, but is not necessarily limited to practice as a barrister, solicitor, legal executive, judicial assistant, patent attorney or trade mark attorney. Those enrolled in the OC are not eligible for participation in the moot.
2. Any entrant into the moot is required to declare in their application that they are eligible to compete under §1; anyone considered by the Moot Chairman to have mis-represented their eligibility will be subject to an appropriate penalty determined by the Moot Chairman, which penalty may be disqualification from the competition.
3. A university or other higher education institution may only enter one team for the moot. A team comprises two mooters, each eligible under §1, and may also include a reserve member. Each of the two [or three] team members must be simultaneously registered at the same University. The same team must prepare the written submissions and appear in oral proceedings.
4. A team may be accompanied by one or two observers. Observers will be required to pay for the cost of their accommodation and food during the oral proceedings weekend. No observer may make any substantive contribution to the preparation of written submissions, nor contribute during oral proceedings. Additional observers may be admitted to the moot at the discretion of the Moot Chairman.
5. On registration, each team undertakes to submit all documentation in good time to meet the deadlines set out in these rules. Additionally, each team undertakes to arrange timely payment of any fees. Late submission of any documentation or payment will lead to sanctions determined by the Moot Chairman to be appropriate, and may entail disqualification from all or part of the competition.

6. Each team [including upto two mooters and a reserve] is required to pay a moot registration fee of to the Moot Secretary. The fee is determined according to the country of your University or Higher Education institution, as follows:

Group I (UK, US, Canada, Europe):	£225 per team
Group II (all other countries and territories):	£150 per team

The moot registration fee, the team registration form, and any fees payable by observers as defined in §4, must be submitted by the Registration Deadline of **FRIDAY 6TH FEBRUARY 2009**.

7. A team is deemed to have applied to enter the competition when a completed team registration form has been received by the Moot Secretary. A team is deemed to have registered for the competition when all of the team registration form, a mooter registration form for each team member, and all the requisite fees as laid out in these rules, have been received.
8. If a team deemed under §7 to have applied to enter the competition does not then attend the oral proceedings weekend, they are deemed to have withdrawn from the moot. They will no longer be considered for any awards, including those relating to written submissions, and their university or higher education institution will be invoiced for the full cost of their accommodation, food and entertainment during the oral proceedings weekend, at a rate of not less than £300 per person. In the most exceptional cases, such an invoice may be waived at the discretion of the Moot Chairman.
9. The maximum number of teams to be allowed to compete during the Oral Proceedings weekend shall be 24. Should more than this number be deemed to have registered for the competition, then the teams with the highest-scoring written submissions [as according to §15] shall be invited to the oral proceedings weekend, subject to the maximum number of 24 teams.
10. If a team invited under §9 has subsequently to withdraw from the moot, then the team with the next-highest-scoring set of written submissions under §15 may, at the discretion of the Moot Chairman, be invited to the oral proceedings weekend.
11. Should a member of team have individually to withdraw from the moot, the remaining team member may proceed by withdrawing from the moot, or by substituting a reserve team member. The Moot Chairman must be consulted before any such substitution is permitted.

The Competition

12. The competition comprises a written phase, and an oral proceedings weekend.

Written Submissions

13. For the written phase, each team must present two sets of written submissions: one shall be on behalf of the appellants, and the other on behalf of the respondents/cross-appellants. Each pleading is to be under 3000 words in length, including all footnotes and headings, and the word count should be indicated at the end of the pleading; submissions exceeding the word limit will be subject to a points penalty at the discretion of the Moot Chairman.

14. The written submissions shall be adjudicated by a panel of judges, selected by the OC from the legal professions or academia.
15. The panel will award a mark out of 20 to each pleading for each of legal analysis, clarity of argument and research/use of authority. A further mark, out of 10, will be awarded for style. These marks will be forwarded to the OC by the panel.
16. The written submissions must be received by the Moot Secretary in good time for the Written Submissions Deadline of **FRIDAY 12TH DECEMBER 2008**. Within their written submissions, teams must identify themselves only by use of the anonymous identifier that will have been given to them in advance by the Moot Secretary.
17. Written submissions must be made as electronic attachments to an e-mail addressed to the Moot Secretary. They must be supplied **in Microsoft Word format only**. These will then be passed, marked only with the anonymous identifiers, to the judging panel.
18. No alterations to written submissions are permitted after the Written Submissions Deadline.

Oral Proceedings Weekend

19. The OC will be responsible for the draw to decide which teams face one another in the preliminary rounds. This will be carried out in advance of the competition; the results will be prominently available on arrival at the moot. The OC may allocate byes where it is considered expedient.
20. This is an appeal; the facts of the case are admitted and agreed, and so no evidence or witness may be introduced.
21. There is no formal dress requirement, and no form of gown or court dress is required. However, mooters are advised to dress in a professional manner appropriate to a courtroom atmosphere.
22. Each advocate should address each judge as “My Lord” or “My Lady” directly, “Your Lordship” or “Your Ladyship”. So:

“My Lord, we would submit that the learned judge was right. Indeed, if instead your Lordship were to hold that...”

Collectively, the bench should be addressed as “My Lords”. Court proceedings should be begun by the opening advocate with “if it pleases...”. The opening advocate should introduce **all** advocates appearing: appellants and respondents.

23. Each hearing in the preliminary rounds shall have the following structure:

		Preliminary Rounds	Final Round
1	Lead Appellant	15 minutes	20 minutes
2	Junior Appellant	15 minutes	20 minutes
3	Lead Respondent	15 minutes	20 minutes
4	Junior Respondent	15 minutes	20 minutes
5	Lead Appellant in Reply	5 minutes	5 minutes

Timings include all introductions. Time will be kept by the clerk, who will indicate to each advocate when s/he has five minutes, and then one minute, remaining. The clerk will then indicate when the advocate's time has expired.

24. There is to be no communication by the advocates with anyone other than their fellow advocate, the bench, and the clerks. Notes may not be passed other than between the two advocates appearing for a team.
25. The scope of the oral arguments, which is not limited by the earlier written submissions, should be laid out in a short skeleton argument, of which four copies should be provided to the clerks in advance of each moot round. Skeleton arguments should address issues to be raised in outline only, and must not exceed 2 sides of A4 for each team. These should be provided in 12-point type, and should be directed only to those points the advocate intends to raise: overly-exhaustive lists of points will not be looked upon favourably. An advocate may of course depart from the scope of his skeleton argument in response to questions from the bench.
26. The remarks made in reply by the Lead Appellant are limited to the scope of the Respondents' remarks.
27. Teams must supply a bundle of the authorities relied upon in oral proceedings, including statutes, case law, academic articles and the like to which reference will be made by the advocates. Again, teams are recommended to be selective in preparation of their bundles, though mooters are advised that the bench will not look favourably upon strong reliance on an unduly narrow spectrum of authorities. Redacted authorities, or excerpts from authorities, are acceptable, but reliance may not then be placed on parts of authorities that are not provided to the bench. Teams are recommended to retain a full copy of each authority in their possession, which may be provided to the bench if that is requested. Highlighting of relevant portions of the authorities is encouraged.
28. Four bundles must be brought; one for each judge should be handed to the clerk before each round, and then collected from the clerk after judgment is handed down. Teams are advised to label their bundles clearly, and may supply their bundles for the appellants and respondents within the same file.
29. Teams are wholly responsible for the production and provision of all written materials for the oral proceedings; they should expect that no printing, internet or reprographic facilities will be made available to them in Oxford.
30. After the conclusion of oral proceedings, the judges will call a short adjournment, during which they will consider the performance of the advocates. They will invite all advocates and audience to return, where the legal outcome will briefly be indicated. Judges will then indicate the winner of that round of the moot, and may offer some constructive criticisms of the mooters' performance.
31. Points will be awarded in respect of each advocate, as follows:

Legal content, research and use of authority	20 points
Courtroom manner	10 points
Presentation and clarity (including bundles)	10 points
Response to questions from the bench	10 points

32. The decision of the judges is final. Any concerns regarding the conduct of the judges must be addressed discretely to the Moot Chairman, and must not under any circumstances be raised directly with the bench.
33. After two rounds, the scores will be collected, and the eight highest-scoring teams will proceed to quarter finals, which will be conducted by three judges each and to preliminary round timings. The four highest-scoring teams will proceed to semi-finals; these will also be conducted by three judges each, and to preliminary round timings. The winner of each semi-final will proceed to the final round.

Awards

34. Scores from all rounds will be held confidentially by the Moot Chairman. At the Moot Chairman's discretion, applications by a mooter to see his or her scores only may be considered after the conclusion of the moot.
35. The team with the higher score in the final round shall be deemed to be the winners of the moot.
36. The team with the highest score for their written submissions shall be deemed to be the winners of the "Best Written Argument" award.
37. The winner of the Sir Nicholas Pumfrey "Best Individual Mooter" award shall be the person achieving the highest individual aggregate score in the first two rounds.

Discretion of the OC and Moot Chairman

38. The Moot Chairman, or the OC collectively, may at any time amend or add to the rules of the moot. In the event of a rule-change, notice will be given to all teams. Any questions of interpretation of the rules should be addressed, *via* the Moot Secretary, to the Moot Chairman; during the oral proceedings weekend, these should be addressed to the Moot Chairman directly. Decisions of the Moot Chairman are final and are not subject to any form of appeal.
39. The Moot Chairman may at his discretion disqualify a team if he considers that there has been a serious violation of these rules, or in the event of other behaviour which is considered contrary to the spirit of this mooting competition. A team so disqualified may, at the discretion of the Moot Chairman, be charged the full fee described in §8, as if they had withdrawn from the competition.

Stuart Baran
Moot Chairman
University of Oxford