

Clarifications

1. Are the laws Pari Materia to the laws in India, and the international IPR legal framework?

Ans. : The dispute is in relation to the use of the trademarks in India and the suit is pending before the High Court of Jesly (vested with jurisdiction identical to that of the High Court of Delhi).

2. What is the weightage and relevancy of international jurisprudence?

Ans. : Content-specific international jurisprudence holds persuasive value, and its application depends on judicial discretion.

3. Are there any further details on client acquisition by both companies?

Ans. : The question is unclear. Details about the use and promotion of the rival marks by parties are already provided in the moot problem.

4. Does Ormetic hold international registration for ORBISH under any international protocol, such as the Madrid protocol?

Ans. : Refer to paragraph 2 of the moot problem. The question regarding registration under the Madrid Protocol is not relevant.

5. Point 7 of the moot problem, states:

"Ormetic filed a suit and a rectification petition before the High Court of Jesly (vested with jurisdiction identical to that of the High Court of Delhi) against Sintel and sought:

- i. an order of permanent injunction restraining Sintel from using in any manner **infringing** Ormetic's trademark ORBISH in any manner whatsoever or causing infringement of the said mark
- ii. an order of permanent injunction restraining Sintel from **passing off** its products as that of the Ormetic's by using the trademark ARBIS which is deceptively similar and identical to its trademark ORBISH or by using any other trademark which is similar, deceptively similar or identical to that of the Ormetic's trademark ORBISH "

The suit referred to in this point includes:

- a. Only a passing off suit, or
- b. Both a passing off suit and an infringement suit?

Ans. : Participants should identify and argue the relevant actions. Refer to paragraph 8 of the moot problem. Additional issues may also be framed by the participants.