

## **CLARIFICATIONS**

### **Clarifications from the Moot organizer.**

- I. Ms. Nina Talwar, is a resident of Chennai.
- II. Livelong has filed a suit for trade mark infringement before the Hon'ble High Court of Madras on 15.01.2021 bearing CS No. 31/2021.

### **Clarifications received from the participants.**

1. Whether the Livelong, Buynow and Fastgram have their sub-ordinate office in Karnataka?

*Kindly stick to the facts.*

2. Whether the suit has been filed under Civil Procedure Code, 1908 or under Trade Marks Act, 1999?

*Kindly go through the provisions of the Civil Procedure Code, 1908.*

3. Is the suit of civil nature or criminal nature?

*Kindly stick to the facts.*

4. The petitioner has sought an ex parte injunction, if both the parties will be represented by their counsels, how can it be an ex-parte?

*Kindly refer to the types of injunctions given under the Civil Procedure Code and read the facts carefully.*

5. Whether this case is being heard in the Commercial Division of the High Court or under Civil jurisdiction?

*Kindly refer to the clarifications provided above by the Moot Organizer.*

6. Could we get the "Code of Ethics" which is binding on the Direct Sellers?

*Kindly refer sources having authentic authorities.*

7. The facts state that Livelong filed a suit bearing CS No. 31/2021 before the Hon'ble High Court of Karnataka. However, "CS" isn't a case type that can be filed before the Karnataka HC. Kindly clarify the same.

*Kindly refer to the clarifications provided above by the Moot Organizer.*

8. Where is the residence of Fastgram and its nationality?

*Kindly stick to the facts.*

9. Is Fastgram a subsidiary of any Company? Who controls the advertisement sector of Fastgram?

*Kindly stick to the facts.*

10. What is the nature of the product in dispute?

*Read the facts carefully.*

11. Do Livelong own any certification mark?

*Kindly stick to the facts.*

12. What are the declarations obtained by Fastgram for the purpose of advertising the products and what are the criteria met when Fastgram enters into an agreement for advertising?

*Not relevant. Read the facts carefully.*

13. Whether the suit is at its initial stage or trial stage?

*Trial stage.*

14. Is BuyNow aware of the presence of the contract between Livelong and Direct Sellers?

*Kindly stick to the facts.*

15. The nutrition and protein supplements contains two seals, one is attached to the cap of the box and the other is the silver/white cover that is over the whole and protect the content inside it unless and until not teared. So can you please clarify that is it only the seal of the cap that is broken or it also do not have the cover that is generally over the whole.

*Kindly stick to the facts.*