



9th SURANA & SURANA AND SHAASTRA
IIT MADRAS INTELLECTUAL PROPERTY LAW
MOOT COURT COMPETITION - 2025-26

On Campus: Jan 2nd to Jan 4, 2026



MOOT PROPOSITION

**IN THE HIGH COURT OF NAVAPUR
CIVIL SUIT (COM-IPD/PT) NO. 21 OF 2025**

PHARMACO GLOBAL S.A. PLAINTIFF

v.

MED-LIFE GENERICS LTD. DEFENDANT

AND

COUNTERCLAIM NO. 14 OF 2025

MED-LIFE GENERICS LTD. PETITIONER

v.

PHARMACO GLOBAL S.A. & ANR. RESPONDENTS

FACTS

1. The Republic of Indusland is a democratic nation with a burgeoning economy and a global reputation as the 'pharmacy of the world.' Its legal framework, particularly in intellectual property, is robust and aims to strike a delicate balance between incentivizing innovation and ensuring public access to affordable healthcare. The Patents Act, 1970 of Indusland ('the Act'), is the primary legislation governing patent rights and obligations in the country.
2. PharmaCo Global S.A. ('PharmaCo') is a research-based pharmaceutical conglomerate headquartered in Switzerland. It has invested billions of dollars in the discovery and development of novel drugs for the treatment of chronic diseases. One of its most successful products is a revolutionary drug for diabetes and weight loss, marketed globally under the brand name 'Glucoburn.'
3. PharmaCo established a significant market presence in Indusland and sought patent protection for its Glucoburn drug. It was granted two key patents:
 - a. **Patent No. 112233 ('the Compound Patent')**: Granted in 2004, this patent covered the basic Active Pharmaceutical Ingredient (API) of the drug. It expired in September 2024, after completing its full 20-year term.



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- b. **Patent No. 224455 ('the Formulation Patent')**: Granted in 2010, this patent does not claim the API itself but covers a specific formulation comprising the API with certain excipients that enhance its stability, along with a delivery device for subcutaneous administration. This patent is set to expire in April 2026.
4. Following the expiry of the Compound Patent in September 2024, several generic pharmaceutical companies in Indusland began preparing to launch their own versions of the drug. Med-Life Generics Ltd. ('Med-Life'), a leading Indusland-based manufacturer known for producing high-quality, cost-effective medicines, was prominent among them.
 5. In January 2025, Med-Life obtained a manufacturing license from the Central Drugs Standard Control Organisation (CDSCO) of Indusland. Med-Life then imported a significant quantity of the API and commenced manufacturing the finished formulation, packaged in a delivery device similar to PharmaCo's. Med-Life asserts that these activities are exclusively for export to the Republic of Equatoria and the Federation of Costaguana, two developing nations where PharmaCo does not hold any patents for Glucoburn. Med-Life has submitted applications for marketing approval to the regulatory authorities in both countries.
 6. In July 2025, PharmaCo's market intelligence team discovered that Med-Life was manufacturing the drug on a commercial scale at its facility in Navapur, Indusland. PharmaCo alleges that the scale of production far exceeds what would be reasonably required for submitting data to regulatory authorities and amounts to commercial stockpiling.
 7. Consequently, in August 2025, PharmaCo filed a patent infringement suit against Med-Life in the High Court of Navapur. PharmaCo claims that Med-Life's actions of making and using the formulation and device covered by the Formulation Patent (No. 224455) constitute a clear infringement of its exclusive rights under the Patents Act. PharmaCo has sought permanent injunction and damages.
 8. In its defense, Med-Life invoked bolar exemption provisions of the Patents Act. Med-Life argues that its manufacturing activities are solely for uses reasonably related to the development and submission of information required under the laws of Equatoria and Costaguana and therefore do not constitute infringement.
 9. Concurrently, Med-Life filed a counterclaim for the revocation of the Formulation Patent under relevant provisions of the Patents Act. Med-Life contends that the



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patent is invalid on the grounds of: (i) lack of inventive step, (ii) lack of novelty, and (iii) insufficient disclosure. Med-Life also accuses PharmaCo of resorting to evergreening.

10. PharmaCo vehemently opposes the counterclaim, arguing that the Formulation Patent represents a genuine and significant invention. It claims the new formulation solved critical issues of drug degradation and improved patient compliance, thus meeting the criteria for patentability.
11. During the course of the ongoing proceedings, PharmaCo has referred to a Settlement Agreement executed between itself and Med-Life in connection with parallel litigation in the United Kingdom. Furthermore, relevant correspondence between PharmaCo and Med-Life concerning potential licensing negotiations for the manufacture and sale of Glucoburn in Indusland has also been placed before the High Court of Navapur. Med-Life disputes the admissibility and relevance of these documents, which are yet to be adjudicated upon by the Court.

ISSUES BEFORE THE COURT

1. Whether Med-Life's activities of manufacturing the patented formulation for the purpose of export are protected under the Bolar Exemption provided under the Patents Act, 1970 of Indusland?
2. Whether PharmaCo has established a prima facie case of patent infringement against Med-Life under the Patents Act, 1970 of Indusland?
3. Whether the Formulation Patent is an attempt to extend monopoly rights beyond the original Compound Patent, violating Indusland patent laws and amounting to patent evergreening?

Note: The Patents Act, 1970 of Indusland is modeled on the Indian Patents Act, 1970. The High Court of Navapur is analogous to the High Court of Delhi for the purposes of this moot.