

Invitation

30th January - 1st February 2015

6th Government Law College

International Law
Summit 2015



INDEX

1. Government Law College, Mumbai	2
2. SPIL, Mumbai	3
3. Affiliations	4
4. Glimpses of the Past.....	5
5. 6 th Government Law College International Law Summit.....	7
6. Theme.....	8
7. Call for Papers.....	10
9. International Law Annual.....	12
10. Judgment Deliberation Competition (JDC)	13
11. Treaty Appreciation Competition (TAC).....	29
12. Participate as a Delegate.....	49
14. Contact Us.....	50
15. Registration Form	52

ABOUT GOVERNMENT LAW COLLEGE



Government Law College enjoys the distinction of being the oldest law school in Asia and has, since its inception in 1855, essayed a seminal role in the evolution of the legal and judicial landscape of India. Any discussion of India's legal system and culture today is incomplete, in fact, meaningless without a mention of Government Law College, Mumbai. Looking back over the years, one realizes the immeasurable role this pioneering law institution has played in the judicial, political and historical life of India. Government Law College, with its illustrious history and a heritage spanning over a century and a half, has nurtured some of the greatest minds of today, not only in the field of law but in various other walks of life.

In the 159th year of its glorious existence, this premiere institute of legal training has upheld its tradition of producing meritorious legal scholars who dedicate themselves to public service and reform. The generations of distinguished legal luminaries who have been nurtured by this unique institution, have made a seminal contribution globally, to the evolution of the legal fraternity.

The alumni of Government Law College have been pivotal in placing India on the globe even before she became independent. The great freedom fighter Lokmanya Balgangadhar Tilak was an alumnus of this institution. The former President of India, Smt. Pratibha Devisingh Patil also received her legal education from Government Law College.

The College also boasts of a history of an illustrious faculty including Chief Justice M. C. Chagla, Badruddin Tyebji, G. S. Rao, V. F. Taraporwala, N. H. C. Coyajee, B. G. Gokhale, S. G. Patwardhan, N. A. Palkhivala and Tehemtan Daruwala among others. Free India's first Law Minister and one of the principle architects of India's constitution- Dr. B. R. Ambedkar, Sir Dinshaw Mulla, Sir Bomanji Wadia and Shri. A. A. A. Fyzee have served as Principals of this historic Institution. With the strength of its glorious past, Government Law College strives incessantly and unremittingly towards a grand future.



SPIL MUMBAI



(Students for the Promotion of International Law, Mumbai)

In an increasingly integrated world with growing transnational interactions, the significance of International Law has never been greater. We, at SPIL Mumbai, strive towards taking legal studies to an empirical level and promoting law as an area of enquiry and study far beyond the realms of classrooms.

SPIL Mumbai was born in furtherance of a desire to understand the tumultuous nature of International Relations and to promote a greater awareness and appreciation of International Law.

This student-based organization seeks to encourage communication and co-operation among students and lawyers internationally. SPIL Mumbai relentlessly strives to provide greater opportunities for comprehensive studies of International cultures and legal systems, to facilitate global interactions and to publicize educational and career opportunities in International Law.

SPIL Mumbai has successfully organized several events, including a lecture on the working of the International Criminal Court by Professor William Burke White of the University of Pennsylvania, a Model United Nations - Student Exchange Program with students of the School of International Relations, Tehran and the Government Law College International Law Summit- which is held annually, in the month of February.

SPIL Mumbai also regularly organizes workshops on the basics of International Law, which have an overwhelming response from Law students across colleges and holds various Debates, Legal Paper Presentations and Intra College International Law Competitions.

AFFILIATIONS



Indian Society of International Law, New Delhi

ISIL, a premier national institution for teaching, research and promotion of international law, was established in 1959, primarily due to the efforts of the late V.K. Krishna Menon. Through its long and fulfilling journey it has earned a prestigious place among the community of International lawyers throughout the world. In more than four decades of its existence, ISIL, has grown into a prestigious research and teaching centre for International law in India. At present, it enjoys the dedicated stewardship of its late President Prof. R. P. Anand. SPIL, Mumbai is honoured to be affiliated to the Indian Society of International Law, New Delhi. We would also like to express our heartfelt gratitude to the Society for all the guidance and assistance extended to us.



International Law Students' Association, Chicago : Registered Chapter

ILSA is a non-profit association of students and lawyers who are dedicated to the promotion of international law. ILSA provides students with opportunities to study, research and network in the International legal arena. The organization's activities include academic conferences, publications, global coordination of student organizations and the administration of the Philip C. Jessup International Law Moot Court Competition. ILSA serves as an umbrella organization for its member chapters. Chapters exist as independent entities, but are also members of the larger ILSA organization. This structure allows chapters to meet the unique needs of its members while still maintaining access to an international network of pooled academic and organizational resources. SPIL Mumbai is a registered Chapter of the prestigious ILSA, Chicago. ILSA has given SPIL Mumbai the opportunity to engage and interact with similar bodies from around the world on a global platform and SPIL has greatly benefitted from the same.



GLIMPSES OF THE PAST

Government Law College International Law Summit 2014



The 5th Government Law College International Law Summit sponsored by Reliance Industries Limited, was held from 31st January to 2nd February 2014, encapsulating in it absorbing and enlightening seminars, research paper presentations, interview sessions, webinars, panel discussion and two novel competing fields - the Treaty Appreciation Competition and the Judgment Deliberation Competition. International Investment Law has garnered a very vital position in the field of law and otherwise with the growing commercialization trends taking place all over the globe, hence there is a need to understand its aspects and nuances in a deeper and better way. Keeping that in mind, the Students for the Promotion of International Law (SPIIL, Mumbai) envisaged organizing the 5th International Law Summit with the theme “International Investment Law”.

Supported by International Centre for Settlement of Investment Disputes (ICSID) and the International Law Students Association and Sponsored by Reliance Industries Ltd., AZB & Partners, J. Sagar Associates, Economic Laws Practice, Mulla & Mulla & Craigie Blunt & Caroe, Udvardia Udeshi and Argus Partners, Nishith Desai Associates as Knowledge Partners and Lex Witness as Magazine Partners, the Summit was touted as a great success with attention rendered by myriad sections of the intelligentsia comprising legal luminaries, educationists, professionals and students from all over the globe.

The inaugural day witnessed an exceptional keynote address by Hon’ble Mr. Justice K. S. Panicker Radhakrishnan at the Y.B. Chavan Auditorium. Quoting Barack Obama’s view of the potential in India, Justice Radhakrishnan, displayed the immense capacity of Foreign Investment in India and thus explained the relevance of International Investment Law in the current global setting. The day progressed with engaging seminars by Mr. Sharad Abhyankar, Partner, Khaitan & Co., Mr. Somasekhar Sundaresan, Partner, J Sagar Associates and Ms. Deepali Fernandes, International Trade Consultant, as they touched upon various relevant issues with respect to international investment and FDI. The interactive sessions saw many students participating as questions followed the lectures.

The second day of the Summit which took place in the office of Nishith Desai Associates, Bandra Kurla Complex, commenced with a Keynote address by Mr. Toby Landau, QC, Essex Court Chambers, UK, conducting a Webinar on the topic “Whether India should sign the ICSID Convention?” followed by a Seminar via Web-conferencing with Ms. Meg Kinnear, Secretary General, ICSID, Washington on the topic “ICSID and India.” The Second Day was taken forward by Mr. Vyapak Desai, Partner, Nishith Desai Associates, who spoke extensively on the topic of “India and its BIT regime”, tapping into the history of BITs in India since 1994. The day was concluded by a Paper Presentation session by the winner of the ‘Second Best Paper’ of ‘Call for Papers’: Mr. Alexandre Genest. Mr. Genest, PhD Scholar and part-time Professor, Ottawa University, Canada addressed the gathering with an insight on his paper titled : “Performance requirement prohibitions in International Investment Law : Complex Constraining and a potential thorne in US- India BIT negotiations.”

The finale of the Summit was hosted by SPIL, Mumbai at the opulent Sahyadri State Guest House on the 2nd of February. An exciting Panel Discussion based on “Attracting Foreign Direct Investment: Examining the Existing Legal Framework and Weighing its Consequences on the Indigenous Economy” was the opening event of the day with the distinguished panelists being Mrs. Meenakshi Lekhi, National Spokesperson- Bharatiya Janata Party, Mr. Ashish Chauhan, CEO & MD – Bombay Stock Exchange Ltd. Mr. Pramod Rao, General Counsel – Citi India, Ms. Manjeet Kriplani, Executive Director – Gateway House and former India Bureau chief of Businessweek magazine, Mr. Naveen Raju, Corporate Counsel- Reliance Industries Limited and Mr. Rahul Dondre, Associate – Levy Kaufmann-Kohler, deftly moderated by Mr. Shardul Thacker, Sr. Partner, Mulla & Mulla & Craigie Blunt & Caroe. The discussion was followed by the final round of the Judgment Deliberation Competition. The finals were presided over by esteemed panel of judges comprising Mr. Shardul Thacker, Sr. Partner, Mulla & Mulla & Craigie Blunt & Caroe, Mr. Krishnav Dutt, Managing Partner, Udewadia Udeshi & Argus, Mr. Sanjay Notani, Partner, Economic Laws Practice, Ms. Deepali Fernandes, International Trade Consultant, Switzerland and Former Economic Affairs Officer – UNCTAD, & Mr. James Nedumpara, Associate Professor of Law and Executive Director of the Centre for International Trade and Economic Laws, Jindal Global Law School, Haryana, India.

The Valedictory ceremony saw National Law University, Odisha bagging the title of ‘Best Team’ in Judgment Deliberation Competition and the team of Sri Lanka Law College won the ‘Best Team’ in the Treaty Appreciation Competition.

An earnest vote of thanks by the SPIL President, Mr. Utkarsh Srivastava brought the three day extravaganza to a fitting closure.



6th GOVERNMENT LAW COLLEGE INTERNATIONAL LAW SUMMIT 2015

It gives us great pleasure to present to you the 6th Government Law College International Law Summit, organized by the Students for the Promotion of International Law (SPIL), Mumbai. The Summit is scheduled to take place from 30th January-1st February, 2015. We extend to you our heartfelt invitation, and look forward to hosting your stay in Mumbai during the Summit. SPIL has undertaken the task of promoting International law by taking legal studies beyond textual knowledge, and the Summit is a direct result of this constant endeavor.

The Summit, aside from the key note addresses, lectures, workshops and call for papers, comprises of two novel competitions, namely the Judgment Deliberation Competition and the Treaty Appreciation Competition, which were conceived within the portals of our institution. Our association with premier institutions such as the International Law Student Association, Chicago and the Indian Society of International Law, New Delhi has only added to our credentials and has ensured interest and participation from reputed law schools across the world.

The Theme for the 2015 edition of the Summit is 'International Economic Law and Policy'. The Summit will stimulate the minds of attendees through thought provoking interactions with experts and doyens of the legal fraternity. As we explore the seemingly endless territory of international law, we hope to cater to pertinent issues of the day.

SPIL welcomes all interested persons, spanning the spectrum of students across the globe, professors and members of the legal fraternity to the Summit. The wide ranging lectures, panel discussions, and workshops will undoubtedly prove to be an enriching experience.

Please contact us, for any queries. To register for the Competitions, kindly refer to the details provided in the Competition Modules.

We look forward to interacting with you!

On behalf of the entire team at SPIL Mumbai,

Yours sincerely,

Aayush Raman
President,
SPIL Mumbai

THEME

International Economic Law and Policy

International economic law as a branch of law is interested in the development of states through trade, investment and economic legal policies. In the quest for development, many states have caused damage to the ecosystem which now constitutes a threat to humanity. At the wake of this peril, there was a need to make a clarion call on sustainable principles for development to flourish. Unfortunately, the fate of the developed nations is at variance with that of the 3rd world countries. The need to strike a balance between these contending views has generated a strong argument on the real purport of sustainable development. The capitalistic threats to development have proved to be averse to sustainable development because of its excesses, while the helplessness of the 3rd world countries has created a dangerous porosity to achieve development. Indeed, one cannot sustain a development that does not exist. Yet there has to be a balance to move the world economy forward. There is need for international concern to harmonize development strategies to protect the developed and underdeveloped countries, with a view to preserving the world environment.

Today, it has become evident that political rights will not flourish in the absence of social and economic rights. Obviously, the progress and growth in political rights in a state is measured by the growth of development which is encapsulated in economic rights. Therefore, there is no gainsaying the fact that economic activity is central to government affairs in the promotion of economic welfare. This is why the exigencies of domestic, economic and legal system are germane to the development of international economic law. It is trite that the concern of international economic law lies in the shaping of a state's economic sovereignty. Hence, political sovereignty without economic sovereignty translates into a mockery of independence. International economic law charges state members with the responsibility of respecting and preserving the ecosystem. Closely tied to this notion is a charge prohibiting states not to involve themselves in a development strategy that will satisfy the needs for today and jeopardize the expectations of the future generation. In other words, international economic law recognizes the need for the preservation of the environment and the sustainable use of natural resources. This obligation is incumbent on every state and there is a further obligation on the state not to damage the environment of other states or constitute environmental nuisance thereof.

International economic law was designed to cooperate in the realization of certain objectives. It has become increasingly obvious, also at a national level in the West, that it is no longer possible to achieve a number of the objectives of national economic policies through national means. Examples of these objectives include combatting unemployment and inflation, a stable value of money, a well-balanced balance of payments, the assurance of a sufficient supply of raw materials and energy, the protection of the environment and the control of multinational enterprises and international cartels. In addition, the Western countries acknowledge to an increasing extent that a satisfactory international division of labour side by side with principles of liberalization and non-discrimination might entail certain international interventions in the economic process and that this

is not exclusively in the interests of the developing countries. It is necessary to have international intervention in addition to international rules for liberalization and non-discriminations simply for the realization of the objectives of national economic policies even of purely national objectives of Western interventionist economic policy. These international interventions will have to bring about, at the very least, an effective coordination of the parts of national economic policy concerned. It is only in this way that their mutual conflicts can be avoided and their mutual support be encouraged.

Through the various activities that constitute the Summit, SPIL Mumbai is determined to effectively endorse an examination and deliberation of the numerous topics that come under the ambit of this complex weave, International Economic Law.



CALL FOR PAPERS



All members of the legal fraternity, practitioners, professors and students are invited to present original academic works at the 6th Government Law College International Law Summit.

Guidelines

Papers shall be of a minimum length of 2000 words, the aforementioned figure not inclusive of footnotes.

Format for the Paper

1. All papers must be typed and reproduced on a standard A4 paper (21 x 29 ³/₄ centimetres). The font and size of the text must be the same and must be in Times New Roman 12-point.
2. The text of the Paper must have one and a half spacing. However, text of footnotes and headings may be single-spaced.
3. Quotations of 50 words or more shall be block quoted (i.e. right and left indented) and may be single-spaced.
4. All pages shall have margins of at least one inch, or two point six (2.6) centimetres, on all sides, excluding page numbers.
5. All Citations must be in accordance with the Canadian Guide to Uniform Legal Citation.

Registration

Registrations are permitted individually or in a team of two (2), three (3) or four (4). In case of the paper being authored by more than one individual, the names of the authors and the order of appearance must be specified.

Important Dates

Submission of Final Paper: 1st November, 2014

Awards

Best Paper ₹ 10,000

2nd Best Paper ₹ 7,000

Winning authors will be given the opportunity to present their papers during the course of the summit. All such winning authors must register for the Summit once they have been informed of their achievement. Teams and individuals whose papers are chosen for presentation must register online for the Summit at www.spilmumbai.com or alternatively send an e-mail containing the registration form to registrations@spilmumbai.com. A demand draft for the amount of INR 1000, drawn in favour of "SPIL Government Law College Mumbai" must be sent to the address given below before the 16th January, 2015. Please contact us for any further queries.

Aayush Raman
President,
Students for the Promotion of International Law, Mumbai
Government Law College,
'A' Road, Churchgate,
Mumbai 400020
Maharashtra, India
+91 9820692622

Kindly take note that accommodation for the duration of the Summit shall be provided only to individuals or teams whose papers have been thus chosen. Accommodation will be provided for a maximum of two (2) members, in case of a team registration.

INTERNATIONAL LAW ANNUAL

In an attempt to facilitate legal studies, Students for the Promotion of International Law (SPIL), Mumbai publishes a legal magazine called the 'International Law Annual, its yearly publication.

The International Law Annual comprises literature on the myriad aspects of International Law through an engaging confluence of short articles, analytic works on landmark cases, interviews with legal luminaries on contemporary issues, discussions and analysis on international legislation, and book reviews.

Accordingly, SPIL, **Mumbai calls for short articles and essays from the student and legal fraternity, professors, practitioners and scholars across the wide spectrum of Public International Law.**

SPIL welcomes original academic work on contemporary developments in Public International Law in keeping with the following guidelines for publication in the International Law Annual, 2015.

Guidelines for submission are:

Font size -10

Font-Times New Roman

No footnotes are permitted. Authors may use end notes

A maximum of two authors are permitted to collaborate on a particular submission

Last date for submissions is **15th November, 2014.**

Submissions are to be mailed at spilmumbai@gmail.com with the subject as **“Submissions for the International Law Annual 2015”**

For further details contact

Amal Sethi-+91-9820087093

Email-spilmumbai@gmail.com

JUDGMENT DELIBERATION COMPETITION[®] (JDC)



SPIL, Mumbai seeks the participation of Law Schools from across the world in furtherance of our initiative to bring to the legal fraternity a fresh approach to problem analysis and judgment making.

About JDC

A novel competition, the JDC has been inspired by the procedures of various judicial bodies and tribunals that span the spectrum of international law. JDC brings a fresh approach to problem analysis and judgment making, requiring participants to, upon analysis of facts presented and arguments advanced, arrive at a unique judgment that is infallible in law, rational in thought, and innovative in its essence.

The competition Module will comprise a case file of a wide connotation, such that it will invite varied interpretations that not only attract established legal principles, but also encourage thought innovation that is based on legal analysis and rational thinking. The aforementioned Module for the competition, will consist of a comprehensive set of facts discovered by the judicial authority, tribunal or court, as the case may be, arguments presented by both parties, any further evidences, if any, lead by them and so forth.

The Competition Structure

The competition consists of two rounds: the first a Written Judgment Round, and the second, the Oral Rounds. Written Submissions must be submitted to the organizers within the declared deadline, while the Oral Rounds will take place during the course of the Summit itself. Please refer to the Summit Schedule for further details.

The Oral Rounds of Deliberation

Each Round will comprise the following segments:

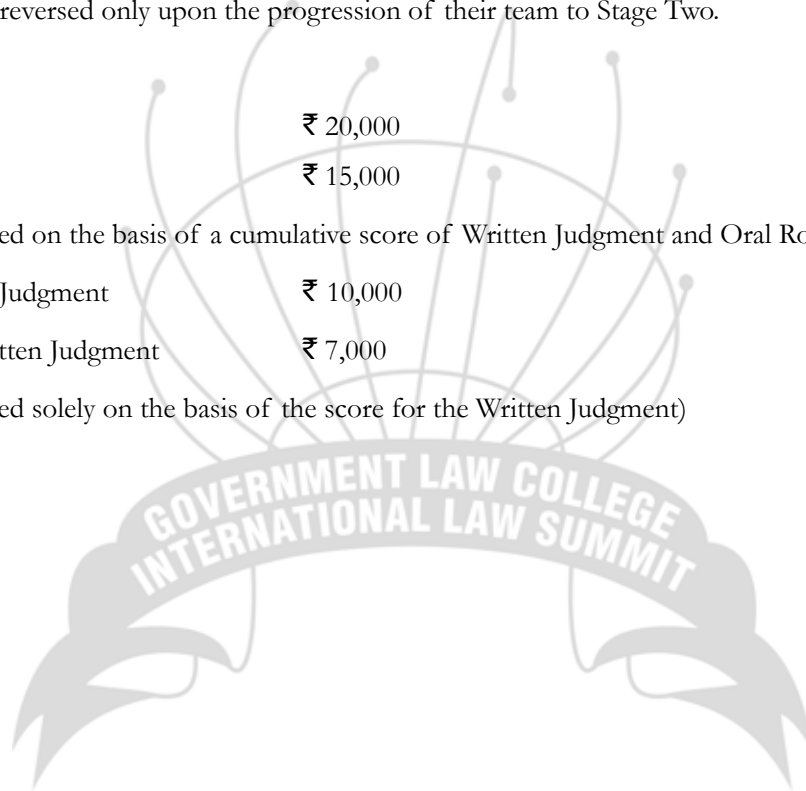
- Judgment Presentation Round: Participants will be required to present their judgments.
- Commenting Round: Participants are encouraged to make pertinent observations on the points made by their colleagues.
- Conclusion Round: Participants are allowed an opportunity to summarize and make concluding statements.

Team Requirements

Each team will consist of One Participant Judge, and One Judicial Clerk. The Participant Judge will deliver the judgment, while the judicial clerk will merely assist. The roles of Judge and Judicial clerk are interchangeable; however this change may be affected only at commencement of the next stage of the competition. For example, if A is Participant Judge, and B is judicial clerk in Stage One, their roles may be reversed only upon the progression of their team to Stage Two.

Awards

Best Team	₹ 20,000
Runners Up	₹ 15,000
(To be awarded on the basis of a cumulative score of Written Judgment and Oral Round)	
Best Written Judgment	₹ 10,000
2nd Best Written Judgment	₹ 7,000
(To be awarded solely on the basis of the score for the Written Judgment)	



WORLD TRADE ORGANISATION

REPUBLIC OF ARCHEN

V.

REPUBLIC OF IDRIS

COMPETITION MODULE



JUDGMENT DELIBERATION COMPETITION[©] 2015

Case File

1. Idris is a developing country with a population of 600 million. The country's total GDP in 2013 was \$1.55 trillion; its per capita GDP was \$1,400. Idris's GDP grew 5.7% in 2013 and the economy has finally begun to pick up steam after the lingering effects of the 2008 global recession. Economic forecasts suggest that Idris is primed to increase its GDP significantly over the coming decades. Although increasingly urbanized, its economy has a significant agricultural sector. In 2013 agriculture accounted for about 24% of Idris's GDP and just over half of Idris's total workforce.
2. Because of the country's large size, the geography of Idris spans multiple climactic zones. However, the majority of its population lives in zones defined as tropical. Most of the citizens in these tropical zones live less than 5 kilometres from the coast; and the majority of these coastlines are less than 5 metres above sea level. The most recent report from the Intergovernmental Panel on Climate Change (IPCC) includes dire warnings about the effect climate change is having—and will continue to have— on Idris. According to a business as usual scenario ("BAU") in which the world does little or nothing to reduce its greenhouse gas ("GHG") emissions, Idris will be one of the top five most negatively affected countries. According to the IPCC, there is "high confidence" that under a BAU scenario, Idris will see yields of some of its most commonly grown crops decrease up to 25–45% by the year 2030. There is a "very high likelihood" of coastal inundation in three of Idris's large coastal metropolises. There is also a "very high likelihood" that Idris will see increasing extremes in precipitation, leading to periods of more extreme cyclones and longer periods of drought. The IPCC further warns that increased heat, storms, and floods have already been observed to have effects on health in Idris. Some examples noted by the IPCC include decreased quality of drinking water, increased exposure to toxic compound and pathogens, and proliferation of malaria and diarrhea.
3. Achren is a developed country of 230 million people and is one of the richest in the world. Its total GDP is \$13.5 trillion and its per capita GDP is \$48,000. Like Idris, it is geographically large. However, unlike Idris, most of Achren lies in northern temperate zones rather than tropical zones. The IPCC predicts that climate change will have devastating effects on some parts of Achren—namely its western coastal regions and drought-prone internal regions. However, the IPCC and many economists predict the costs of climate change on Achren's economy and the health of its citizens will be less devastating than for Idris, especially in the short to medium term. This is due partly to an accident of geography and partly due to the fact that Achren has greater resources to shield its citizens from the harshest effects of climate change.
4. Carbon dioxide ("CO₂") is the globe's most commonly emitted GHG. Human-induced emissions of CO₂ and other GHGs are largely responsible for global warming, which alters the Earth's ability to maintain the balance of energy it receives from the sun and that which it radiates back out into space. As a long-industrialised country, Achren is historically responsible for 20% of global CO₂ emissions. Idris is historically responsible for 3% of global emissions. In 2013 Achren emitted 18% of global CO₂, while Idris emitted 7% of CO₂ emissions.

5. In 2013, half a million premature deaths in Idris were attributed to air pollution, making air pollution the fifth most common cause of death in Idris.
6. Both countries are founding members of the World Trade Organisation (“WTO”).
7. Both countries have ratified the Convention on Biological Diversity (“CBD”).
8. Both countries ratified the United Nations Framework Convention on Climate Change (“UNFCCC”). Achren is an Annex I and II Party; Idris is a non-Annex Party. Both countries are members of the Kyoto Protocol on Climate Change (“Kyoto Protocol”).

The Compulsory License Statutes

9. Compulsory licensing occurs when a government allows someone to produce a patented product or process without the consent of the patent owner.
10. In 2007, the government of Idris amended its Patent Act by adding Section 80. Entitled “Compulsory Licenses”, Section 80 allows the issuance of compulsory licenses and sets forth that:
 - (1) At any time after the expiration of three years from the date of the grant of a patent, any person or entity may make an application to the Idris Controller of Patents & Trademarks for grant of compulsory license on any of the following grounds:
 - (a) that the reasonable requirements of the public with respect to the patented invention have not been satisfied, or
 - (b) that the patented invention is not available to the public at a reasonably affordable price, or
 - (c) that the patented invention is not worked in the territory of Idris, and
 - (d) that the person or entity seeking the grant of compulsory license has made a commercially reasonable effort to obtain a voluntary license from the patent-holder.
11. Under Section 80, the Idris Patent Office issued two compulsory licenses, each for pharmaceutical products. The first compulsory license was for a generic version of an HIV drug. The second was for a generic version of a drug that fights a particular kidney disease that was epidemic in Idris. The generic versions of the drugs brought the prices down by 95% and 75% respectively. A third compulsory license was rejected by the Patent Office because the company seeking the compulsory license failed to make a reasonable effort to get a voluntary license. (Although the company had sought a voluntary license, the Patent Office deemed this effort insufficient because the company “did not make enough attempts to obtain a voluntary license” from the innovator.) Both of the compulsory licenses that were issued were ultimately upheld by the Supreme Court of Idris.
12. In 2010, the government of Idris added Section 100 to its Patent Act. The section was entitled “Compulsory License for Export of Patented Renewable Energy Products in Certain Exceptional Circumstances”. It reads:

The Government of Idris may, in case of a national emergency or circumstances of extreme urgency, deem it necessary to issue compulsory licenses at any time after the date of the grant of the patent at issue. Upon making such determination, the Legislature may grant the Controller of Patents & Trademarks authority to accept applications from persons or entities seeking such a license on terms and conditions as the Controller deems fit. No license shall issue to a person or entity that has not made a reasonable commercial effort to seek a voluntary license from the patent holder.

The Patent

13. Algae are a type of aquatic, photosynthetic, nonflowering organism found all over the world. There are thousands of types of algae, ranging from simple unicellular forms to complex multicellular forms. Algae convert CO₂ into fuels called lipids. Algae have the potential to produce much greater amounts of biomass and lipids per hectare than fossil fuels and biofuels from sources such as corn, sugar, or palm oil.
14. Algae's potential as fuel had been known for decades. There had been research and fuel production in many countries—primarily developed countries such as Achren, whose multinational corporations could afford to fund such expensive research. While some advances had been made, there were still barriers to mass commercial production of algae-based fuels, such as lack of infrastructure for growing algae in large quantities, insufficient up-front investment, and market distortions that favored traditional fossil fuels. Indeed, as recently as 2010, the industry consensus was that a commercially viable microalgae fuel was thirty years away.
15. In 2011, an Achren-based multinational energy corporation called Olive Corporation (“Olive”) discovered a new process for deriving fuel from dozens of common species of small microalgae. This process made it significantly easier to overcome many of the scientific obstacles to commercially viable production of microalgae fuel. Indeed, the process was described by many people in the biotech industry as a “generational leap forward” for using algae fuel as a fossil fuel alternative.
16. This algae-based biofuel's molecular structure was similar to petroleum. Thus, the fuel was compatible with the type of petrol used in cars, motorbikes, and airplanes. Upon testing, engineers discovered that the fuel had the potential to yield 115,000 litres of fuel per hectare (l/ha) of production each year. This quantity was much higher in comparison to other biofuels. For example, the average yield from corn-based biofuels was 175 l/ha, the average yield from rapeseed oil was 2,000 l/ha, and the average yield produced by oil palm was 5,700 l/ha. Thanks to the process discovered by Olive, this fuel could also be produced much more cheaply than other algae fuels. This algae fuel also had environmental advantages. It required significantly less water than land-based crops. It could be cultivated in brackish water and non-arable land, and so did not require large-scale changes in land use.
17. In early 2012, Olive filed a patent in Achren's Patent Office as a “green patent”. The application was fast-tracked and approved as Achren Patent No. 6,500,847. (In the industry, the patent became known as Olive 6.5.) Olive properly filed its patent with a recognized international depository authority. Thus, the patent is recognized internationally, including in both Achren and Idris. Olive soon began selling its fuel to a select number of large-scale customers in Idris but had no plans to expand its sales in Idris for the foreseeable future.

Sparco's Compulsory License

18. Sparky Corporation (“Sparco”) is an Idris-based bio-engineering company. It traditionally focused on production, rather than research and development. Sparco was one of the few bio-engineering companies in Idris that operated on a scale large enough to utilize the Olive 6.5 process. Sparco representatives contacted Olive to seek a voluntary licensing agreement with Olive. Sparco sought to produce a generic version of the patent and to pay Olive 10% of net sales. Olive rebuffed this offer in an email, saying the 10% royalty was much too low and that Olive did not want to hear from Sparco again on this matter. Sparco immediately applied for a compulsory license. Two weeks later, Sparco notified Olive that it was seeking a compulsory license to produce a generic version of Olive 6.5.
19. The Idris Patent Office, citing Section 100, granted a compulsory license to Sparco to produce a generic version of Olive 6.5. The license was non-assignable and non-exclusive. The Patent Office directed Sparco to manufacture the fuel only at its manufacturing facility and solely for use in the domestic market. To date, this is the only compulsory license granted under Section 100 and the only one issued for an environmentally sound technology (“EST”).
20. Olive appealed to the Idris Intellectual Property Board of Appeals (“I.P. Board”). The I.P. Board upheld the compulsory license. Olive then appealed to the Supreme Court of Idris, which upheld the I.P. Board’s decision.
21. Sparco began selling its generically-derived fuel for an average of 80% cheaper than Olive had sold it for. Virtually all of these sales were to large energy consumers. The top three purchasers of Sparco’s fuel were Idris’s Navy, Idris’s second-biggest commercial airline, and one of Idris’s largest fleets of delivery vehicles. Sparco paid royalties to Olive at the rate of 10% of net sales.
22. Sparco has plans to expand its sales of the algae fuel to utilities and hopes to make the fuel available to ordinary consumers in the next 2–3 years. Thus, the fuel could soon become available to drivers of cars, scooters, and trucks.
23. In 2013, the amount of CO₂ emitted by Idris grew by 8% compared to the previous year.

Legal Claims

Achren has brought a claim before the WTO's Dispute Settlement Body ("DSB"). The DSB has formed a panel under Article 6.2 of the WTO Understanding on Rules and Procedures Governing the Settlement of Disputes ("DSU").

Achren claims the following:

1. That Idris violated the WTO's Agreement on Trade-Related Aspects of Intellectual Property Rights ("TRIPS") by issuing the compulsory license for Olive 6.5.
2. That Idris violated the objectives and principles set forth in Articles 7 and 8 of TRIPS.
3. That Idris violated Article 31 of TRIPS.
4. Achren also argues that patents for environmentally sound technologies ("ESTs") do not fall under the same TRIPS flexibilities as pharmaceutical patents and that the rules for compulsory licensing are unique.

Idris has responded that its compulsory license of the patent does not violate any WTO provisions. Idris argues:

1. That the compulsory license is permitted as a measure to promote transfer of technology under Article 7 of TRIPS and to "protect public health and nutrition, and to promote the public interest" under Article 8 of TRIPS.
2. That this compulsory license is permitted as an exclusion from patentability under Article 27.2 of TRIPS.
3. That Idris complied with the requirements of Article 31(b) in seeking a voluntary license; but, alternately, even if Idris failed to conform, the requirement is waivable because climate change and its consequences on the health and well-being of the population and environment of Idris constitute a "national emergency or other circumstances of extreme urgency" under Article 31(b).
4. That the compulsory license is permitted as an exception under Article 30 of TRIPS.
5. That Achren's attempt to protect the patent violates the spirit of the Preamble to the Marrakesh Agreement Establishing the World Trade Organisation ("WTO Agreement"), the Preamble to TRIPS, and Paragraph 6 of the 2001 Doha Ministerial Declaration ("Doha Declaration").

RULES

PART I

1. INTRODUCTION

These Rules will be henceforth known as the Judgment Deliberation Competition© 2015 Official Rules.

2. PARTICIPATION AND ELIGIBILITY

2.1. Team Member Eligibility

Students of any university on a full-time or part-time basis in either a 3-year LLB or a 5- year integrated BA/BBA/ BSC/ BCOM/ BLS LLB course at the time of the competition are eligible to participate in the Competition.

2.2. Team Composition and Selection

A Team shall be composed of two (2) members: Judge and Judicial Clerk. These roles are interchangeable only upon the commencement of a new round.

2.3. Outside Assistance to Teams

All research, writing and editing must be solely the product of Team members.

2.4. Use of Opposing Team's Judgment

No Team shall be allowed to view or otherwise become privy to any Judgment other than the respective Judgments of the opposing Teams in the course of the Competition.

3. CLARIFICATIONS OF THE COMPETITION MODULE

Teams may submit written requests for clarifications regarding the Module, comprising the Competition Case file and the Rules. Requests for Clarifications must be received by SPIL Mumbai by 10th December, 2014. Teams may submit requests for clarifications by email to spilmumbai@gmail.com. All clarifications will be issued within 3 days of receipt of said clarification request.

4. TEAM REGISTRATION

4.1 Registering Names of Team Members

Each Team must submit all Team members' names to registrations@spilmumbai.com by 1st November, 2014. The mail must contain the registration form sent to the Universities/ College with the required details and stamp of the college/ university. Alternatively, Teams may register online at www.spilmumbai.com. Such registration must be followed by a mail from the concerned authority of the University/College confirming such participation. Team members' names must be clearly typed in the mail, giving special attention to the spelling of each Team member's name. Participation Certificates will be awarded to Teams with names spelt in the manner thus provided.

Registration fee- The registration fee for Judgment Deliberation Competition 2015 is INR 2500 for all the invited Indian Universities/Colleges. Registration fee of USD 100 will be charged to all the Overseas Universities. The same shall be submitted through a demand draft drawn in favor of “SPIL Government Law College Mumbai” payable at “Mumbai, India” should be submitted before 1st November, 2014 to the following address:

Aayush Raman
President,
Students for the Promotion of International Law, Mumbai
Government Law College,
'A' Road, Churchgate,
Mumbai 400020
Maharashtra, India

For any queries, you may communicate with: Mr. Shadab Jan (+91 8454933144). Kindly intimate the details of the demand draft by an e-mail addressed to spilmumbai@gmail.com

Note: No refund shall be made on cancellation of registration after **1st November, 2014**

4.2. Team Code as Identification

Each Team shall be assigned a Team Code. Teams shall use their Team Code identification purposes at all times. Names of participants shall not appear on the Judgment. Signature pages should bear only the team code.

PART II

5. RULES FOR THE JUDGMENT

5.1. Submission of the Judgment

All Judgment submissions must conform to the following general criteria. Teams will be penalized for failure to abide by these requirements. Ten (10) Hard Copies of the Judgment must be sent to the following address, postmarked **15th December 2014**:

Aayush Raman
President,
Students for the Promotion of International Law, Mumbai
Government Law College,
'A' Road, Churchgate,
Mumbai 400020
Maharashtra, India

Soft Copies must be e-mailed to spilmumbai@gmail.com on or before 15th December 2014.

5.2. Format of the Judgment

1. Judgments must be typed and reproduced on a white standard A4 paper (21 x 29 ¾ centimeters) except for the cover page, where blue coloured paper must be used. The font and size of the text of all parts of the Judgment must be the same and must be in Times New Roman 12-point. (except cover page)

2. The text of all parts of each Judgment must have one and a half spacing, except that the text of footnotes and headings which may be single-spaced.
3. Quotations of 50 words or more in any part of the Judgment shall be block quoted (i.e. right and left indented) and may be single-spaced.

5.3. Description of the Judgment

Parts of the Judgment

The Judgment shall consist of the following parts:

1. Index

2. Summary

3. Background

4. Decision and Conclusion

(The judgment may contain the obiter dictum in addition to the ratio decidendi.)

Legal Analysis Limited to the “Decision” Section

Substantive, affirmative legal analysis or legal interpretation of the facts of the Case File may only be presented in the “Decision” section of the Judgment. Teams which include analysis or legal interpretation in any other part of the Judgment shall be penalized.

Summary

Summary should comprise of the summary of the “Decision” section in a paragraph form.

Background

Each Judgment shall include a section titled “Background”. The Background shall be limited to the stipulated facts and necessary inferences from the Case File and any clarifications to the same. Background must not include unsupported facts, distortions of stated facts, argumentative statements or legal conclusions.

Summary of Issues Raised

Each Judgment shall include a “Summary of Issues Raised.” The Summary shall consist of a substantive summary of the pleadings of both the sides in paragraph form, rather than a simple reproduction from the Case file.

Decision and Conclusion

The Decision shall contain the substantive legal analysis and interpretation of the factual matrix. The conclusion shall be answer to the questions present by both the parties. The teams are open to go beyond the summary of pleadings submitted and base their Judgment on more refined legal research but are not allowed to exceed the ambit of the arguments put before them.

Appendix

All teams have the option of including an appendix. The appendix may contain all relevant provisions of law and a summary of important judgments cited if any. The appendix shall not exceed 10 pages and should follow the format of the rest of the written submission. No other forms of submission can be relied on during the deliberation proceedings and thus teams are encouraged to include an appendix to their Judgment.

Length

The “Decision” section of the Judgment, including footnotes or endnotes and the “Conclusion” may have no more than 10000 words. The length of all other sections aforementioned (except appendix) should not exceed 1500 words in total.

Margins

Each page of the Judgment (regardless of content) shall have margins of at least one inch, or two point six (2.6) centimetres, on all sides, excluding page numbers.

Cover Page

The cover page chosen for Judgment is to be similar to that of the case file. The heading should be replaced from “Case File” to “Judgment”. The end of the page should have a signing block and the name of the Judge should be represented by the Team Code provided.

Binding

Judgment must be fastened by viro or spiral binding along the left side of the judgment. No other form of binding including stapling or book-binding is permitted.

5.4. The Judgment will be judged on the following grounds:

- | | |
|------------------------------------|----------|
| 1. Knowledge of Law and Facts | 20 marks |
| 2. Clarity, Brevity and Style | 20 marks |
| 3. Use of Authorities and Citation | 10 marks |
| 4. Analysis and Organisation | 40 marks |
| 5. General Impression | 10 marks |
| Total : 100 marks | |

5.5. Delay in Mailing Judgment

Judgments postmarked after the deadline as designated shall be penalized five (5) points.

5.6. Extreme Delay in Mailing Judgment

Judgment shall be penalized three (3) points per day, in addition to the initial five (5) points described in Rule 5.5 for delay up to an additional five (5) days. Judgments not submitted within six (6) days of the deadline shall not be judged, and shall automatically be disqualified.

5.7. Other Mandatory Judgment Penalties

Penalties shall be assessed for violations of other Rules concerning the Judgment by reference to the following table:

1. Font of inconsistent size, improper line spacing, or improper format of block quotations: 2 points per violating page, up to a total of 10 points.
2. Failure to include all parts of the Judgment: 5 points for each missing part of the Judgment.
3. Substantive legal analysis outside of approved sections of the Judgment: 5 points
4. Excessive length of Judgment: 1 point per 10 words exceeded.

PART III

6. RULES FOR DELIBERATION ROUNDS

General Procedure

Each Deliberation room shall consist of 3-4 teams. The deliberation table shall be taken by the participant Judge and the observer table shall taken by the Judicial Clerk participant. The roles are interchangeable at the option of the Teams upon the commencement of a new Round. The Deliberation Table shall also consist of minimum 2 marking Judges. They will be present on the table as brother Judges.

The winners of each deliberation room will automatically qualify into the next round. Thereafter, further qualification of other teams will take place through the league system of scoring. The same rule shall be followed for all further rounds. The scores considered for qualification in the preliminary rounds will be a cumulative of Deliberation Round Scores and Written Judgment Scores. Each round will be preceded by an exchange of Judgments of brother judges for scrutiny. The exchange will provide teams a reasonable amount of time for scrutiny. Each round shall consist of three Sessions:

6.1. Judgment Reading Session

Each Judge shall be given 10 minutes to make a presentation of the team's judgment. The presentation should not be a mere recital of the judgment but should be in a manner as to draw the remaining judges to lead to a consensus towards the Judgment delivered by the team. The presentation can be assisted only by the written judgment and no other documents or electronic modes of presentation are permitted. Only the participant Judge in the round makes the presentation. The Judicial Clerk participant is allowed to only take notes during the process.

6.2. Comment Session

Every participant Judge will make a critical statement on the Judgment presented by the fellow participant Judges. Comments will also be made by Marking Judges. Comments can be in the form of questions, criticism, approval, additions etc. Each team will be given seven (7) minutes to make their comments. Only the participant Judge in the round can make comments. The Judicial Clerk participant is only allowed to pass notes made during the presentation session to the participant Judge.

6.3. Concluding Session

Each Team may reserve up to five (5) minutes for Concluding. Only the participant Judge in the round can give Comments. The Judicial Clerk participant is only allowed to pass notes made during the presentation comment session to the participant Judge. The participant Judge is expected to satisfy all the queries put forth by brother Judges in this session.

6.4. Order of Submission

The order of the oral submissions in each Round at all levels of the Competition shall be on:

1. Presentation Round

Participant Judge 1 --> Participant Judge 2 --> Participant Judge 3

2. Comment Round

Participant Judge 1 --> Participant Judge 2 --> Participant Judge 3

3. Concluding Round

Participant Judge 1 --> Participant Judge 2 --> Participant Judge 3

**Oral Communications during the Oral Round shall be strictly limited to the following. Any Team which engages in communications not listed in this Rule shall be penalized.

6.5 Number of Rounds

Competition will consist of 3 rounds:-

1. *Preliminary rounds*

Each deliberation shall consist of 3-4 teams. The winners of each deliberation room will proceed to the next round. The remaining slots for the rounds (if any) shall be filled on the basis of cumulative score.

2. *Quarter finals/ Semi-finals rounds*

The winners of each deliberation room will proceed to the next round. The remaining slots for the rounds (if any) shall be filled on the basis of cumulative score.

**Judgment scores will not be relied on from this round onwards.

3. *Final Rounds (3 teams)*

The Marking Judges shall through votes in a secret ballot select the Winner of the Competition. In case of a tie the President Judge will exercise a second vote.

6.6. The participant Judge will be marked on the following grounds:

- | | |
|---|----------|
| 1. Knowledge of Law and Use of Authorities | 15 marks |
| 2. Ability to make and reply to Comments | 25 marks |
| 3. Interpretation of facts and Appreciation of Principles of Evidence | 25 marks |
| 4. Legal Analysis and Persuasiveness | 25 marks |
| 5. Style, Poise and Mannerisms | 10 marks |

Total: 100 marks

PART IV

7. Dress Code

The teams are expected to follow a strict dress code of western formals. Courtroom formals are not essential.

8. Awards

Following are the prizes for this edition of the competition:

Winning Team

Runners Up

Best Written Judgment

2nd Best Written Judgment

Prize winners will also be given certificates for the same along with the certificates for participation. Participation certificates will only be distributed at the Valedictory Function and teams not present to collect them will not be entitled to receive the certificates subsequently other than in special circumstances. Winners will also receive trophies and other prizes.

9. ACCOMMODATION

Accommodation will be provided to the participating teams for the duration of the competition. Teams must arrive before 12:00 hours on 30th January, 2015

Note: A Team consists of two (2) Members. Observers and extra members will not be considered part of the team. The participating teams will be received by the volunteers of the Organizers at their respective venues of arrival. To enable the organizers to do the same, please provide prior intimation of your travel details. Participants are requested to kindly mail their travel details to SPIL Mumbai on spilmumbai@gmail.com on or before January 20, 2015. Any subsequent changes made to said plans should also be intimated to SPIL Mumbai.

Participants must provide SPIL Mumbai with one E-mail address to facilitate vital communication. That E-mail address shall be used for the purpose of intimating important information from time to time by SPIL Mumbai in connection with the Competition. Information communicated to that e-mail address will be deemed to have been communicated to both the participants. All communication with SPIL Mumbai must be addressed to the following e-mail address: spilmumbai@gmail.com

10. MISCELLANEOUS

1. If any one of the members of a team is notified / informed of any detail or information, it shall be deemed that the said team as a whole has duly been notified / informed.
2. In case of any doubt in either understanding any of the details or interpreting them, the decision taken by SPIL Mumbai shall be final and binding.
3. Rules should be strictly adhered to. Any deviation thereof can attract penalties or disqualification.
4. SPIL Mumbai shall resolve unanticipated or unexpected contingencies, if any, and the decision in this regard shall be final and the acceptance of any such decision is a precondition to participation in the Competition.

5. Any reference to time will be construed as a reference to Indian Standard Time.

CONTACT US :

Aayush Raman

President

Students for the Promotion of International Law (SPIIL), Mumbai

Government Law College

'A' Road, Churchgate

Mumbai- 400 020

Maharashtra, India

Mobile No- +91 9820692622

Email: spilmumbai@gmail.com

spil@glcmumbai.com

Website : www.spilmumbai.com

Alternatively, you may contact:

Mr. Shadab Jan +91 8454933144



TREATY APPRECIATION COMPETITION (TAC)



SPIL, Mumbai seeks the participation of Law Schools from across the world in furtherance of our initiative to bring to the legal fraternity a fresh approach to problem analysis and crisis resolution.

About TAC

The Treaty Appreciation competition has been modelled on the procedures of various bodies in the international sphere entrusted with the task of evaluating and appraising the legality, consistency and rationality of treaties, codifications or other legislative documents.

Participants are expected to launch an examination of the Competition Module presented to them, which will comprise a legislation, or a codification, or amendments to the aforementioned relevant to the theme of the Summit. The participants critique the proposition therein and recommend alteration, deletion or additions. TAC aims at mobilizing a culture of innovation and problem solving. Previously, bodies such as the International Law Commission have been chosen as the forum to facilitate this competition.

The Competition Structure

The competition consists of two rounds: the first a Written Critique Round, and the second, the Oral Rounds. The Written Critique must be submitted to the organizers within the declared deadlines, while the Oral Rounds will take place during the course of the Summit itself. Please refer to the Summit Schedule for further details.

The Oral Rounds of Deliberation

The Oral Rounds will be chaired by Special Rapporteurs, who after a brief introduction of the subject in discussion, will preside over the sessions, which will proceed along the lines of the Agenda. This Agenda will be made available to the participants before the Summit. There will be an allocation of time for each item on the Agenda, which will be discussed over two sessions, spread out across two days during the Summit. The specific procedures of the legislative body chosen for the competition will be followed to extent permitted by the competition.

Team Requirements

Each team will comprise of 2 Participants and will be assigned a country code or a team code, as the case may be, upon registration. The team may nominate one member for each item on the agenda. Interchanging speaking roles are permitted only at the commencement of discussion on the next item on the agenda. For instance, Members A and B of the team, can assign speaking roles for themselves for different items on the agenda. Both will not be permitted to speak on the same item on the agenda.

Awards

Best Team	₹ 20,000
Runners- Up	₹ 15,000
(To be decided on the basis of cumulative scores of the team for the Written Critique, as well as Oral Rounds)	
Best Member	₹ 10,000
(To be awarded on the basis of individual scores of participants during the Oral Rounds)	
Best Critique	₹ 7,000
(To be awarded solely on the basis of the score for the Written Critique)	

Team Requirements

Each team will comprise of 2 Participants and will be assigned a country code or a team code, as the case may be, upon registration. The team may nominate one member for each item on the agenda. Interchanging speaking roles are permitted only at the commencement of discussion on the next item on the agenda. For instance, Members A and B of the team, an assign speaking roles for themselves for different items on the agenda. Both will not be permitted to speak on the same item on the agenda.

Awards

Best Team	₹ 20,000
Runners- Up	₹ 15,000
(To be decided on the basis of cumulative scores of the team for the Written Critique, as well as Oral Rounds)	
Best Member	₹ 10,000
(To be awarded on the basis of individual scores of participants during the Oral Rounds)	
Best Critique	₹ 7,000
(To be awarded solely on the basis of the score for the Written Critique)	

**TRADE NEGOTIATIONS COMMITTEE OF
WORLD TRADE ORGANISATION**

**Amendment to
The Agreement on Subsidies and Countervailing Measures
(ASCM)**

COMPETITION MODULE



TREATY APPRECIATION COMPETITION[©] 2015

There are few topics in the field of international trade law which are as contentious, complicated and yet interesting as that of subsidies. Although emphasis was placed on reduction of tariffs during the early years of General Agreement on Tariffs and Trade (GATT), subsidies too attracted significant attention in view of their trade-distorting possibility. Contracting Parties to the GATT were authorized to take domestic actions against injurious subsidies in the form of countervailing duties by way of Article VI and XXIII of the GATT, although the actual use of such measures was limited.

As time elapsed, concerns over subsidies as an alternative form of protection began to grow. This change in perception of subsidies was due to credible reductions in tariff, which made subsidies a larger problem (in relative terms). Countries tightened the discipline on the use of subsidies through the Subsidies Code during the Tokyo Round of negotiations. However, it was the Agreement on Subsidies and Countervailing Measures (SCM Agreement), concluded at the Uruguay Round in 1994, that contained a comprehensive framework to deal with various types of subsidies. Yet, the rules under the SCM Agreement remain incomplete and require further refinement and elaboration.

Identifying a subsidy itself is a challenge, especially in view of the role of governments in different countries. There are still various structural and interpretive issues that require a deeper deliberation. You will be required to propose new texts or amendments to either certain treaty terms, or parts of the text contained in Article 1, 2, 8, 27.3, 27.4, 27.5 and 27.6 of the SCM Agreement. These treaty terms or texts under deliberation are mentioned herein below. While there is substantial jurisprudence on the interpretation of these terms, an analysis and renegotiation of these terms will help improve the effectiveness of the discipline.

I. Subsidy

The standard economic definition of the term “subsidy” involves the notion of payment or financial contribution by a government to a public or private body. Subsidies can be provided directly or through other means. The SCM Agreement sets out rules for identification of such subsidies. A subsidy is “deemed to exist” if two conditions are met: (i.) there must be a financial contribution by the government or any public body or any form of income or price support; (ii.) a benefit must be conferred.

From Article 1 of the SCM Agreement, it will be instructive to note that the government does not necessarily have to make payments for subsidy by itself. A financial contribution will also exist if a government makes payments to a funding mechanism, or “entrusts” or “directs” a private body to carry out one or more of the type of functions described above rather than directly doing so itself. The reason for providing an exhaustive list of governmental actions that could come within the ambit of “financial contribution” in framework of Article 1 is to limit the kinds of government actions which could fall within the scope of the SCM Agreement. Nonetheless, despite efforts to clarify the types of financial contributions that could be deemed to be a subsidy, there remains some ambiguity relating to Article 1 of the SCM Agreement. Some of the terms, including: (a.) “public body”; and (b.) “benefit”, require more clarity.

Please note that although these terms have been identified for further deliberation, the participating teams are free to make other proposals for reform or modifications to the provisions of Article 1 of the SCM Agreement, if considered fit.

- (a) “Public Body”: For a financial contribution to be deemed a subsidy for the purposes of the SCM Agreement, the contribution must be made by government or a public body. Complications have arisen because there is no clear definition of the term “public body”. It is important to draw a clear definition of the term “public body”. In doing so, also address the nature and extent of government ownership that is required for a body to be deemed a “public body”.
- (b) “Benefit”: Article 1.1(b) of the SCM Agreement does not contain the terms “market” or “like product”; rather, it requires an assessment of whether “a benefit is thereby conferred” by a financial contribution (or income or price support) in order to determine whether a “subsidy” exists. Consider any changes to this existing treaty language.

Text

Article 1

Definition of a Subsidy

1.1 For the purpose of this Agreement, a subsidy shall be deemed to exist if:

- (a) (1) there is a financial contribution by a government or any public body within the territory of a Member (referred to in this Agreement as “government”), i.e. where:
 - (i) a government practice involves a direct transfer of funds (e.g. grants, loans, and equity infusion), potential direct transfers of funds or liabilities (e.g. loan guarantees);
 - (ii) government revenue that is otherwise due is foregone or not collected (e.g. fiscal incentives such as tax credits)¹;

(footnote original) 1 In accordance with the provisions of Article XVI of GATT 1994 (Note to Article XVI) and the provisions of Annexes I through III of this Agreement, the exemption of an exported product from duties or taxes borne by the like product when destined for domestic consumption, or the remission of such duties or taxes in amounts not in excess of those which have accrued, shall not be deemed to be a subsidy.

- (iii) a government provides goods or services other than general infrastructure, or purchases goods;
- (iv) a government makes payments to a funding mechanism, or entrusts or directs a private body to carry out one or more of the type of functions illustrated in (i) to (iii) above which would normally be vested in the government and the practice, in no real sense, differs from practices normally followed by governments;

Or

- (a) (2) there is any form of income or price support in the sense of Article XVI of GATT 1994;

And

- (b) a benefit is thereby conferred.

- 1.2 A subsidy as defined in paragraph 1 shall be subject to the provisions of Part II or shall be subject to the provisions of Part III or V only if such a subsidy is specific in accordance with the provisions of Article 2.

II. Specificity

Even if measure is deemed to be subsidy within the meaning of the SCM Agreement, it is not subject to the subsidies discipline unless it has been specifically provided to an enterprise or industry or group of enterprises or industries. The SCM Agreement mandates the requirement of a specificity provision. The rationale for this requirement is the principle that a subsidy which distorts the allocation of resources within an economy should be subject to the subsidies discipline. Therefore, only “specific” subsidies are subject to the SCM Agreement disciplines. There are two kinds of subsidies: de jure specificity (identified by law) and de facto specificity (identified by fact). Identification of de facto specificity is particularly challenging.

An illustration may be helpful to understand the concept of de facto specificity. Let us consider a situation where a country has provided facilities such as taxiway, parking and assistance on research and development to all aircraft manufacturers, but is being primarily used by one particular domestic aircraft manufacturer. In such a situation, no direct subsidy has been provided by the country; nor is there any express motivation to support the domestic aircraft manufacturer. However, the country is tacitly assisting the domestic aircraft manufacturer. This determination can only be identified after a fact based analysis is made.

Article 2.1 (a) and Article 2.1 (b) deal with de jure specificity. Article 2.1 (c) of the SCM Agreement provide for categorization of activities that do not fall within Article 2.1 (a) and Article 2.1 (b) of the SCM Agreement. Though these activities do not fall within the first two categories of the SCM Agreement, there is reason to believe that a subsidy is in fact specific (de facto specific). The four factors that determine specificity are:

- Use of a subsidy programme by a limited number of certain enterprises;
- Predominant use by certain enterprises;
- The granting of disproportionately large amounts of subsidy to certain enterprises;
- The manner in which discretion has been exercised by the granting authority in the decision to grant a subsidy.

You are requested to discuss (a.) “certain enterprise”, (b.) “predominant use”, “disproportionately large” and “extent of diversification of economic activities”:

- (a.) “Certain Enterprise”: What amounts to “certain enterprise” is unclear. Whatever be the interpretation of “certain enterprises”, it should be different from Article 2.1 (a) where specificity exists with an “express limitation” on the use of subsidy for certain enterprises. Do you consider that the term “certain enterprises” requires some changes?
- (b.) “Predominant Use”, “Disproportionately Large”, and “Extent of diversification of economic activities”: Consider defining the term “predominant use” and “disproportionately large amounts of subsidy”. Further, if the inherent characteristics of the goods provided by the government limit the possible use of the subsidy to a certain industry, should it be considered de facto specific? What are the key distinctions

between the terms “use of a subsidy programme by a limited number of certain enterprises” and “predominant use by certain enterprises”? Another interesting issue is whether there is a need to introduce guidelines for determining the specificity of subsidies conferred through the provision of goods or services at regulated prices. Article 2.1 (c) also mentions that the four factors mentioned therein will be applied after accounting for the “extent of diversification of economic activities”. The ambit of “extent of diversification of economic activities” is very broad, but does the existing treaty language need changes? Do you think that it would be prudent to introduce a set of criteria that could measure the “extent of diversification of economic activities”, instead of leaving it to a case-by-case analysis?

While participants can make amendment/proposals for reform to Article 2 of the SCM Agreement, a detailed discussion on the reasons for reforms should be provided.

Text
Article 2
Specificity

2.1 In order to determine whether a subsidy, as defined in paragraph 1 of Article 1, is specific to an enterprise or industry or group of enterprises or industries (referred to in this Agreement as “certain enterprises”) within the jurisdiction of the granting authority, the following principles shall apply:

- (a) Where the granting authority, or the legislation pursuant to which the granting authority operates, explicitly limits access to a subsidy to certain enterprises, such subsidy shall be specific.
- (b) Where the granting authority, or the legislation pursuant to which the granting authority operates, establishes objective criteria or conditions governing the eligibility for, and the amount of, a subsidy, specificity shall not exist, provided that the eligibility is automatic and that such criteria and conditions are strictly adhered to. The criteria or conditions must be clearly spelled out in law, regulation, or other official document, so as to be capable of verification.

(footnote original) 2 Objective criteria or conditions, as used herein, mean criteria or conditions which are neutral, which do not favour certain enterprises over others, and which are economic in nature and horizontal in application, such as number of employees or size of enterprise.

- (c) If, notwithstanding any appearance of non-specificity resulting from the application of the principles laid down in subparagraphs (a) and (b), there are reasons to believe that the subsidy may in fact be specific, other factors may be considered. Such factors are: use of a subsidy programme by a limited number of certain enterprises, predominant use by certain enterprises, the granting of disproportionately large amounts of subsidy to certain enterprises, and the manner in which discretion has been exercised by the granting authority in the decision to grant a subsidy.³ In applying this subparagraph, account shall be taken of the extent of diversification of economic activities within the jurisdiction of the granting authority, as well as of the length of time during which the subsidy programme has been in operation.

(footnote original) 3 In this regard, in particular, information on the frequency with which applications for a subsidy are refused or approved and the reasons for such decisions shall be considered.

- 2.2 A subsidy which is limited to certain enterprises located within a designated geographical region within the jurisdiction of the granting authority shall be specific. It is understood that the setting or change of generally applicable tax rates by all levels of government entitled to do so shall not be deemed to be a specific subsidy for the purposes of this Agreement.
- 2.3 Any subsidy falling under the provisions of Article 3 shall be deemed to be specific.
- 2.4 Any determination of specificity under the provisions of this Article shall be clearly substantiated on the basis of positive evidence.

III. Non-actionable subsidies

In recent years, there has been an increase in conflicts relating to green subsidies and various other obligations under the WTO law. For example, Japan and European Union (EU) challenged Canada's Ontario Feed-in-Tariff Programme in 2010. Most disputes of this nature have arisen because governments have provided subsidies to domestic industries for generating particular forms of non-conventional energy, in particular, renewable energy. The government support is designed to pursue both environmental objectives, and to fostering competitiveness in the domestic renewable energy sector. A number of such programmes are also tied to domestic content requirement use. However, despite genuine intentions, many states violate WTO law by implementing such measures.

The present text of the SCM Agreement does not provide clear exceptions. Notably, in the original text, the SCM Agreement had addressed non-actionable subsidies in Article 8 of the SCM Agreement. This provision is presently not in force, having lapsed 5 years after the WTO's entry into force (i.e., 31 December 1999). The lapse was in pursuance of Article 31 of the SCM Agreement. Despite its importance, no forceful attempts were made for the renewal of Article 8. In brief, Article 8 of the SCM Agreement identifies non-actionable subsidies. Article 8.1 of the SCM Agreement notes that subsidies meeting one of the three sets of conditions described in Article 8.2 are non-actionable. Article 8.2 sets out the following types of subsidies that are non-actionable: (i.) research and development; (ii.) regional development; and (iii.) environmental programs

In the backdrop of growing global environmental concerns, you are to renegotiate the provisions of Article 8 of the SCM Agreement. This is because Article 8 of the SCM Agreement could potentially provide carve-outs that could facilitate climate change goals, so long as they meet the criteria set in Article 8 of the SCM Agreement. While negotiating, you are to remain mindful of the fact that the possibility of introducing new provisions must not interfere with other provisions of the Agreement. **You may consider changes only to the core provisions of Article 8 and not to the various footnotes unless considered essential.**

Text

Article 8:

Identification of Non-Actionable Subsidies

8.1 The following subsidies shall be considered as non-actionable:²³

(footnote original) 23 It is recognized that government assistance for various purposes is widely provided by Members and that the mere fact that such assistance may not qualify for non-actionable treatment under the provisions of this Article does not in itself restrict the ability of Members to provide such assistance.

- (a) subsidies which are not specific within the meaning of Article 2;
- (b) subsidies which are specific within the meaning of Article 2 but which meet all of the conditions provided for in paragraphs 2(a), 2(b) or 2(c) below.

8.2 Notwithstanding the provisions of Parts III and V, the following subsidies shall be non-actionable:

- (a) assistance for research activities conducted by firms or by higher education or research establishments on a contract basis with firms if:^{24, 25, 26}

(footnote original) 24 Since it is anticipated that civil aircraft will be subject to specific multilateral rules, the provisions of this subparagraph do not apply to that product.

(footnote original) 25 Not later than 18 months after the date of entry into force of the WTO Agreement, the Committee on Subsidies and Countervailing Measures provided for in Article 24 (referred to in this Agreement as “the Committee”) shall review the operation of the provisions of subparagraph 2(a) with a view to making all necessary modifications to improve the operation of these provisions. In its consideration of possible modifications, the Committee shall carefully review the definitions of the categories set forth in this subparagraph in the light of the experience of Members in the operation of research programmes and the work in other relevant international institutions.

(footnote original) 26 The provisions of this Agreement do not apply to fundamental research activities independently conducted by higher education or research establishments. The term “fundamental research” means an enlargement of general scientific and technical knowledge not linked to industrial or commercial objectives.

the assistance covers²⁷ not more than 75 per cent of the costs of industrial research²⁸ or 50 per cent of the costs of pre-competitive development activity^{29, 30};

(footnote original) 27 The allowable levels of non-actionable assistance referred to in this subparagraph shall be established by reference to the total eligible costs incurred over the duration of an individual project.

(footnote original) 28 The term “industrial research” means planned search or critical investigation aimed at discovery of new knowledge, with the objective that such

knowledge may be useful in developing new products, processes or services, or in bringing about a significant improvement to existing products, processes or services.

(footnote original) 29 The term “pre-competitive development activity” means the translation of industrial research findings into a plan, blueprint or design for new, modified or improved products, processes or services whether intended for sale or use, including the creation of a first prototype which would not be capable of commercial use. It may further include the conceptual formulation and design of products, processes or services alternatives and initial demonstration or pilot projects, provided that these same projects cannot be converted or used for industrial application or commercial exploitation. It does not include routine or periodic alterations to existing products, production lines, manufacturing processes, services, and other on-going operations even though those alterations may represent improvements.

(footnote original) 30 In the case of programmes which span industrial research and pre-competitive development activity, the allowable level of non-actionable assistance shall not exceed the simple average of the allowable levels of non-actionable assistance applicable to the above two categories, calculated on the basis of all eligible costs as set forth in items (i) to (v) of this subparagraph and provided that such assistance is limited exclusively to:

- (i) costs of personnel (researchers, technicians and other supporting staff employed exclusively in the research activity);
 - (ii) costs of instruments, equipment, land and buildings used exclusively and permanently (except when disposed of on a commercial basis) for the research activity;
 - (iii) costs of consultancy and equivalent services used exclusively for the research activity, including bought-in research, technical knowledge, patents, etc.;
 - (iv) additional overhead costs incurred directly as a result of the research activity;
 - (v) other running costs (such as those of materials, supplies and the like), incurred directly as a result of the research activity.
- (b) assistance to disadvantaged regions within the territory of a Member given pursuant to a general framework of regional development³¹ and non-specific (within the meaning of Article 2) within eligible regions provided that:

(footnote original) 31 A “general framework of regional development” means that regional subsidy programmes are part of an internally consistent and generally applicable regional development policy and that regional development subsidies are not granted in isolated geographical points having no, or virtually no, influence on the development of a region.

- (i) each disadvantaged region must be a clearly designated contiguous geographical area with a definable economic and administrative identity;
- (ii) the region is considered as disadvantaged on the basis of neutral and objective criteria³², indicating that the region’s difficulties arise out of more than temporary cir-

cumstances; such criteria must be clearly spelled out in law, regulation, or other official document, so as to be capable of verification;

(footnote original) 32 “Neutral and objective criteria” means criteria which do not favour certain regions beyond what is appropriate for the elimination or reduction of regional disparities within the framework of the regional development policy. In this regard, regional subsidy programmes shall include ceilings on the amount of assistance which can be granted to each subsidized project. Such ceilings must be differentiated according to the different levels of development of assisted regions and must be expressed in terms of investment costs or cost of job creation. Within such ceilings, the distribution of assistance shall be sufficiently broad and even to avoid the predominant use of a subsidy by, or the granting of disproportionately large amounts of subsidy to, certain enterprises as provided for in Article 2.

- (iii) the criteria shall include a measurement of economic development which shall be based on at least one of the following factors:
- one of either income per capita or household income per capita, or GDP per capita, which must not be above 85 per cent of the average for the territory concerned;
 - unemployment rate, which must be at least 110 per cent of the average for the territory concerned;
- as measured over a three-year period; such measurement, however, may be a composite one and may include other factors.

- (c) assistance to promote adaptation of existing facilities 33 to new environmental requirements imposed by law and/or regulations which result in greater constraints and financial burden on firms, provided that the assistance:

(footnote original) 33 The term “existing facilities” means facilities which have been in operation for at least two years at the time when new environmental requirements are imposed.

- (i) is a one-time non-recurring measure; and
- (ii) is limited to 20 per cent of the cost of adaptation; and
- (iii) does not cover the cost of replacing and operating the assisted investment, which must be fully borne by firms; and
- (iv) is directly linked to and proportionate to a firm’s planned reduction of nuisances and pollution, and does not cover any manufacturing cost savings which may be achieved; and
- (v) is available to all firms which can adopt the new equipment and/or production processes.

8.3 A subsidy programme for which the provisions of paragraph 2 are invoked shall be notified in advance of its implementation to the Committee in accordance with the provisions of Part VII. Any such notification shall be sufficiently precise to enable other Members to evaluate the consistency of the programme with the conditions and criteria provided for in the relevant provisions of paragraph 2. Members shall also provide the Committee with yearly

updates of such notifications; in particular by supplying information on global expenditure for each Other Members shall have the right to request information about individual cases of subsidization under a notified programme³⁴

(footnote original)³⁴ It is recognized that nothing in this notification provision requires the provision of confidential information, including confidential business information.

- 8.4 Upon request of a Member, the Secretariat shall review a notification made pursuant to paragraph 3 and, where necessary, may require additional information from the subsidizing Member concerning the notified programme under review. The Secretariat shall report its findings to the Committee. The Committee shall, upon request, promptly review the findings of the Secretariat (or, if a review by the Secretariat has not been requested, the notification itself), with a view to determining whether the conditions and criteria laid down in paragraph 2 have not been met. The procedure provided for in this paragraph shall be completed at the latest at the first regular meeting of the Committee following the notification of a subsidy programme, provided that at least two months have elapsed between such notification and the regular meeting of the Committee. The review procedure described in this paragraph shall also apply, upon request, to substantial modifications of a programme notified in the yearly updates referred to in paragraph 3.
- 8.5 Upon the request of a Member, the determination by the Committee referred to in paragraph 4, or a failure by the Committee to make such a determination, as well as the violation, in individual cases, of the conditions set out in a notified programme, shall be submitted to binding arbitration. The arbitration body shall present its conclusions to the Members within 120 days from the date when the matter was referred to the arbitration body. Except as otherwise provided in this paragraph, the DSU shall apply to arbitrations conducted under this paragraph only.

IV. Developing Countries position in the SCM Agreement

The SCM Agreement recognizes three categories of developing country Members: least-developed Members (LDCs), Members with a GNP per capita of less than \$1000 per year which are listed in Annex VII to the SCM Agreement, and other developing countries. Article 27.3 of the SCM Agreement provides five-year and eight-year transition periods exempting developing countries and least developing countries respectively from the prohibitions under Article 3.1(b) on subsidies contingent on the use of domestic over imported goods. These, however, terminated on 31 December 1999 and 31 December 2002, respectively.

In light of the present economic situation of some developing countries, renegotiate the provisions of Article 27.3, 27.4, 27.5 & 27.6 of the SCM Agreement keeping in mind that industries in developing and LDCs would require some stimulus to become competitive in the global market.

Text

Article 27

Special and Differential Treatment of Developing Country Members

- 27.3 The prohibition of paragraph 1(b) of Article 3 shall not apply to developing country Members for a period of five years, and shall not apply to least developed country Members for a period of eight years, from the date of entry into force of the WTO Agreement.

27.4 Any developing country Member referred to in paragraph 2 (b) shall phase out its export subsidies within the eight-year period, preferably in a progressive manner. However, a developing country Member shall not increase the level of its export subsidies,⁵⁵ and shall eliminate them within a period shorter than that provided for in this paragraph when the use of such export subsidies is inconsistent with its development needs. If a developing country Member deems it necessary to apply such subsidies beyond the 8-year period, it shall not later than one year before the expiry of this period enter into consultation with the Committee, which will determine whether an extension of this period is justified, after examining all the relevant economic, financial and development needs of the developing country Member in question. If the Committee determines that the extension is justified, the developing country Member concerned shall hold annual consultations with the Committee to determine the necessity of maintaining the subsidies. If no such determination is made by the Committee, the developing country Member shall phase out the remaining export subsidies within two years from the end of the last authorized period.

(footnote original)⁵⁵ For a developing country Member not granting export subsidies as of the date of entry into force of the WTO Agreement, this paragraph shall apply on the basis of the level of export subsidies granted in 1986.

27.5 A developing country Member which has reached export competitiveness in any given product shall phase out its export subsidies for such product(s) over a period of two years. However, for a developing country Member which is referred to in Annex VII and which has reached export competitiveness in one or more products, export subsidies on such products shall be gradually phased out over a period of eight years.

27.6 Export competitiveness in a product exists if a developing country's Member exports of that product have reached a share of at least 3.25 per cent in world trade of that product for two consecutive calendar years. Export competitiveness shall exist either (a) on the basis of notification by the developing country Member having reached export competitiveness, or (b) on the basis of a computation undertaken by the Secretariat at the request of any Member. For the purpose of this paragraph, a product is defined as a section heading of the Harmonized System Nomenclature. The Committee shall review the operation of this provision five years from the date of the entry into force of the WTO Agreement.

RULES

PART I

1. INTRODUCTION

These Rules will be henceforth known as the Treaty Appreciation Competition© 2015 Official Rules.

2. PARTICIPATION AND ELIGIBILITY

2.1. Team Member Eligibility

All students of any university on a full-time or part-time basis in a 3-year LLB or a 5-year Integrated BA/BBA/ BSC/ BCOM/ BLS LLB course at the time of the competition are eligible to compete in the Competition.

2.2. Team Composition and Selection

Each team will consist of two (2) members. Each team shall be assigned a country for the purpose of adherence to procedure. Change in team composition shall not be permitted once the names are registered with SPIL Mumbai, except at the sole discretion of the organizers.

2.3. Outside Assistance to Teams

All research, writing and editing must be solely the product of Team members.

3. CLARIFICATIONS OF THE COMPETITION CASE FILE OR RULES

Teams may submit written requests for clarifications of the Case File or these Rules. Requests for such Clarifications must be received by the SPIL Mumbai by 10th December, 2014. Teams may submit requests for clarifications by email to spilmumbai@gmail.com. All clarifications to legitimate requests will be summarized and emailed to the participants within 3 days of their request.

4. TEAM REGISTRATION

4.1 Registering Names of Team Members

Each Team shall submit all Team members' names to spilmumbai@gmail.com by 1st November, 2014. The mail must contain the registration form sent to the Universities/ College with the required details and stamp of the college/ university. Alternatively, Teams may register online at www.spilmumbai.com. Such online registrations must be followed by a mail from the concerned authority of the University/College confirming such participation. Team members' names must be clearly typed in the mail, giving special attention to the spelling of each Team member's name. Participation Certificates will be awarded to Teams with names spelt in the manner thus provided.

Registration fee- The registration fee for Treaty Appreciation Competition 2015 is INR 2500 for all the invited Indian Universities/Colleges. Registration fee of USD 100 will be charged to all the Overseas Universities. The same shall be submitted through a demand draft drawn in favor of "SPIL Government Law College Mumbai" payable at "Mumbai, India" should be submitted before 1st November, 2014 to the following address:

Aayush Raman
President,
Students for the Promotion of International Law, Mumbai
Government Law College,
'A' Road, Churchgate,
Mumbai 400020
Maharashtra, India

For any queries, you may communicate with: Mr. Shadab Jan (+91 8454933144). Kindly intimate the details of the demand draft by an e-mail addressed to spilmumbai@gmail.com

4.2. Team Number as Identification

Team Code shall be given to each of the participating teams upon registration. Names of Participants, or Colleges or Universities must not be mentioned anywhere in the Critique.

PART II

5. RULES FOR THE CRITIQUE (Written Comment)

5.1. Submission of the Critique

All Critique submissions must conform to the following general requirements. Teams will be penalized for failure to abide by these requirements. Each team shall prepare a critique. Five (5) Hard Copies of the Critique must be sent to the following address, postmarked 15th December, 2014:

Aayush Raman
President
Students for the Promotion of International Law, Mumbai
Government Law College
'A' Road, Churchgate
Mumbai 400 020
Maharashtra, India

Soft Copies must be e-mailed to spilmumbai@gmail.com on or before 15th December, 2014.

5.2 Format of the Critique

1. Critiques must be typed and reproduced on white standard A4 paper (21 x 29 ³/₄ centimetres) except for the cover page, where green coloured paper must be used. The font and size of the text of all parts of the Critique must be the same and must be in Times New Roman 12-point. (except cover page)
2. The text of all parts of each Critique must have one and a half spacing, except that the text of footnotes and headings may be single-spaced.
3. Quotations of 50 words or more in any part of the Critique shall be block quoted (i.e. right and left indented) and may be single-spaced.

5.3. Description of the Critique

Length

The length of the critique should not exceed 3000 words.

Synopsis

The Critique must contain a summary of the Critique with special emphasis on the stand taken by the team with regard to the issues to be addressed at the Final Round of Talks. This synopsis is for organizational purposes. Thus, the word limit is not inclusive of the synopsis.

Margins

Each page of the Critique shall have margins of atleast one inch or two point six (2.6) centimetres on all sides, excluding page numbers.

Cover Page

The cover page chosen for the Critique should be similar to that of this Competition Module and green in colour. The end of the page should have the Team Code provided.

Binding

Critique must be fastened by viro or spiral binding along the left side of the Critique. No other form of binding including stapling or book-binding is permitted.

5.4. The Critique will be judged on the following grounds:

- | | |
|---|----------|
| 1. Appreciation and Critique of the Amendment | 20 marks |
| 2. Application of Legal Principles | 20 marks |
| 3. Use of Authorities and Citations | 10 marks |
| 4. Analysis and Organisation | 40 marks |
| 5. General Impression | 10 marks |

Total : 100 marks

5.5. Delay in the Critique

Critiques postmarked after the deadline as designated shall be penalized five (5) points.

5.6. Extreme Delay in Mailing Critique

Critiques shall be penalized three (3) points per day, in addition to the initial five (5) points described in Rule 5.5 for delay up to an additional five (5) days. Critiques not submitted within six (6) days of the deadline shall not be judged, and shall automatically be disqualified.

5.7. Other Mandatory Penalties

1. Font of inconsistent size, improper line spacing, or improper format of block quotations: 2 points per violating page, up to a total of 10 points.
2. Failure to include all parts of the Critique: 5 points for each missing part of the Critique.
3. Excessive length of Critique: 1 point per 10 words exceeded.

PART III

6. Structure for the Oral Rounds

1. During the TAC, participants will play the role of the members of the forum chosen. The proceedings shall be in the form of group discussion, to be presided over by the Special Rapporteur(s), according to an agenda defined and notified to the participants through Email, prior to the competition. The agenda will be accompanied by a compilation of the critiques of the fellow participants.
2. The session shall commence after an introductory address by the Special Rapporteur(s) of the issue at hand, wherein all members (team to be represented by one person per item on the agenda) will be allowed a predetermined period of time to deliver their opening address, to make clear their stand on the issue. Thereafter, there shall be an item-wise progress of all the matters on the agenda. The speakers of each team can change role item wise but two speakers cannot participate orally in the same item on the agenda.
3. The time period for each item shall be proposed by the members of the forum during their opening address. Subject to the discretion and judgment of the Special Rapporteur(s) the time frame per item on the agenda will then be announced. The decisions of the Rapporteur(s) in all matters shall be final and binding on all participants.
4. Participants are allowed at any point in the course of the session to change their stand. Please note that this is a session to be moderated by the Special Rapporteur(s), and therefore, all comments, observations and contrarian views may be expressed only with the consent and permission of the Special Rapporteur(s).
5. The Special Rapporteur(s) and other observing judges will be marking the proceedings of the session. Each team will be assessed on their combined performance. The Special Rapporteur(s) will also elect one participant as the best member on his observation of the session based solely on his/their discretion.

6.1 Team Marking Criteria for Oral Deliberations (per Judge)

- | | |
|--|----------|
| 1. Marshalling of resources and Articulation of issues | 15 marks |
| 2. Presentation Skills and General Etiquette | 20 marks |
| 3. Use of Authorities and Precedents | 20 marks |
| 4. Legal Analysis and Persuasiveness | 20 marks |
| 5. Ability to take lead and control the group | 15 marks |
| 6. Innovative Thinking | 10 marks |

Total : 100 marks

Part IV

7. Dress Code

The teams are expected to follow a strict dress code of western formals.

8. Awards

Following are the prizes for this edition of the competition:

Best Team

The team which secures the highest cumulative points (Critique and oral marks) shall be awarded Best team.

Runners Up

The team which secures the second highest cumulative points (Critique and oral marks) shall be awarded runner-up team.

Best Member

The Best Member prize is an individual award which will be presented to the participant who is nominated by the Special Rapporteur(s) as the Best participant at the session.

Best Critique

The Best Critique will be presented to the team that secures the highest marks after assessment of their legal critique..

Prize winners will also be given certificates for the same along with the certificates for participation. Participation certificates will only be distributed at the Valedictory Function and teams not present to collect them will not be entitled to receive the certificates other than in special circumstances. Winners will also receive trophies and other prizes.

9. ACCOMMODATION

Accommodation will be provided for the participating teams for the duration of the competition. Teams must arrive before 12:00 hours on **30th January 2015**.

Note : A Team consists of two (2) Members. Observers and extra members will not be considered part of the team.

The participating teams will be received by the volunteers of the Organizers at their respective venues of arrival. To enable the organizers to do the same, please provide prior intimation of your travel details. Participants are requested to kindly mail their travel details to SPIL Mumbai on spilmumbai@gmail.com on or before **20th January, 2015**. Any subsequent changes made to the travel plans should also be intimated to SPIL Mumbai. Participants must provide SPIL Mumbai with one E-mail address to facilitate vital communication. That Email id shall be used for the purpose of intimating important information from time to time by SPIL Mumbai in connection with the Competition. Information communicated to that e-mail address will be deemed to have been communicated to the Team. All communication with SPIL Mumbai must be addressed to the following E-mail address: spilmumbai@gmail.com

MISCELLANEOUS

1. If any one of the members of a team is notified / informed of any detail or information, it shall be deemed that the said team as a whole has duly been notified / informed. In case of any doubt in either understanding any of the details or interpreting them, then it shall be deemed that the said team as a whole has duly been notified / informed. In case of any doubt in either understanding any of the details or interpreting them, the decision taken by SPIL Mumbai shall be final and binding.
2. Rules should be strictly adhered to. Any deviation thereof can attract penalties and even disqualification.
3. SPIL Mumbai shall resolve unanticipated or unexpected contingencies, if any, and the decision in this regard shall be final.
4. Any reference to time will be construed to be a reference to Indian Standard Time.

CONTACT US

Aayush Raman

President

Students for the Promotion of International Law (SPIL), Mumbai

Government Law College

'A' Road, Churchgate.

Mumbai- 400 020 Maharashtra- India

Mobile No- +91 9820692622

Email: spilmumbai@gmail.com

spil@glemumbai.com

president@spilmumbai.com

Website : www.spilmumbai.com

Alternatively you may contact:

Mr. Shadab Jan +91 8454933144

OUR HEARTFELT GRATITUDE

For having consented to draft the Competition Modules for the 6th Government Law College International Law Summit 2015, we express our heartfelt gratitude and appreciation to our erudite drafters. Thank you for your invaluable contribution, and encouragement!

Mr. Bradley Freedman

Bradley Freedman is a law clerk at the environmental non-profit Our Children's Trust, where he does international climate change litigation. He is a member of the Massachusetts Bar and the New York Bar. A native of Kansas, he graduated from the University of Kansas, School of Law in 2013 with a certificate in International Trade & Finance. At KU Law, Bradley was an editor of the Kansas Law Journal and President of the International Law Society. He also spent a summer studying international trade and I.P. law at Bahçeşehir Üniversitesi in Istanbul, Turkey. In July 2014 his article "England and the Public Trust Doctrine" was published in the Journal of Planning and Environment Law. Prior to law school, Bradley worked at the Economist Intelligence Unit in New York City.

Prof. James Nedumpara

Mr. James J Nedumpara is an Associate Professor of Law and the Executive Director for the Centre for International Trade and Economic Laws (CITEL) at Jindal Global Law School. He has previously worked at some of the leading law firms in India and also at the United Nations Conference on Trade and Development (UNCTAD) as a Trade Officer (Legal). He serves in the Editorial Board of Global Trade and Customs Journal, Kluwer Law International and also renders professional help to the Government of India, think tanks, industry and consulting firms. His current areas of focus include WTO law, international trade regulation and taxation.

We are highly grateful to Mr. Freedman and Prof. Nedumpara for drafting highly comprehensible modules for the Judgment Deliberation Competition and Treaty Appreciation Competition respectively.

Participate as a Delegate

Kindly register by sending us a mail at spilmumbai@gmail.com. Send a demand draft for the amount of ₹ 150, drawn in favour of “SPIL Government Law College Mumbai” to the following address before 20th January, 2015.

Aayush Raman

President

Students for the Promotion of International Law (SPIL), Mumbai

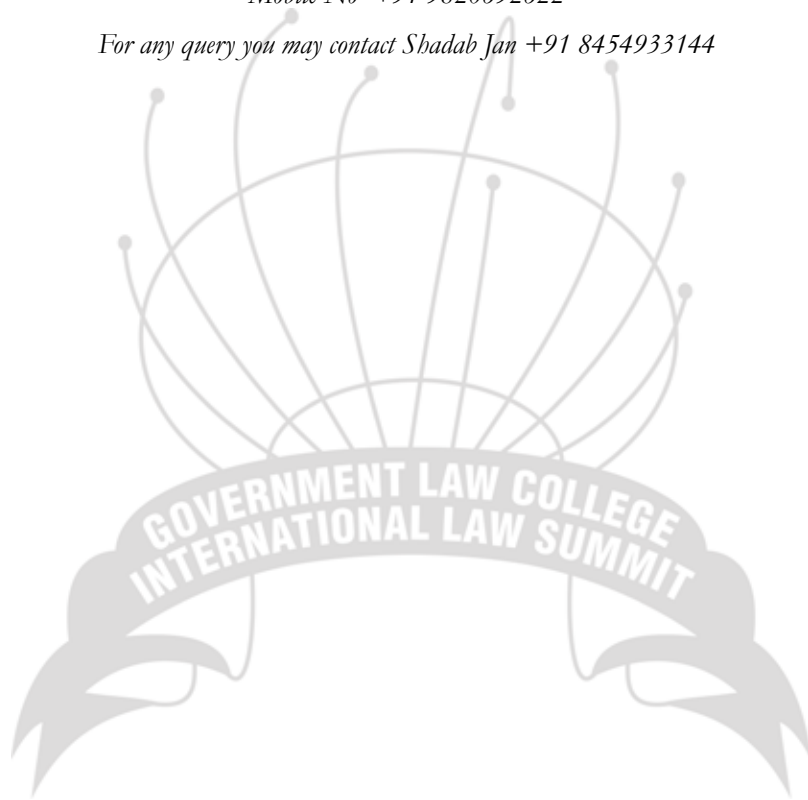
Government Law College

'A' Road, Churchgate.

Mumbai- 400 020 Maharashtra- India

Mobile No- +91 9820692622

For any query you may contact Shadab Jan +91 8454933144



CONTACT US

- **Postal Address :**

Please address all correspondence to :

Aayush Raman

President,

Students for the Promotion of International Law, Mumbai,

Government Law College,

'A' Road, Churchgate,

Mumbai - 400020.

Maharashtra, India

- **E-mail Addresses :**

Please address all e-mails to :

registrations@spilmumbai.com : To register for the International Law Summit 2015

spilmumbai@gmail.com or spil@glcmumbai.com : For any other queries

- **Website :** www.spilmumbai.com

- **Telephone Numbers :**

Aayush Raman, President: +91-9820692622

Shadab Jan, Vice-President: +91-8454933144



OUR HEARTFELT GRATITUDE

We extend our heartfelt gratitude to all our previous sponsors and partners for their invaluable contribution and support.

Sponsor



Supported by



Associate Sponsor



Co-Sponsor



Title Sponsor – Treaty Appreciation Competition



Knowledge Partner



Awards & Trophies Sponsor



Research Partner



Magazine Partner



REGISTRATION FORM*

SECTION 1: Select one or both of the following Competitions:

- Judgment Deliberation Competition
- Treaty Appreciation Competition

SECTION 2 : College Information

NAME OF COLLEGE :

(Please enter the full name (as it should be printed in the programme))

NAME OF COLLEGE CO-ORDINATOR :

ADDRESS :

.....

.....

Country: Zip Code:

Telephone Number:

Email Address:

SECTION 3 A : Team Contact Information For The Judgment Deliberation Competition

All information pertaining to the competition will be mailed and/or emailed to the Team
Contact e-mail address listed below.

TEAM CONTACT (E-mail Address):

Member 1 - Name:

Telephone Number:

Email Address:

Member 2 - Name:

Telephone Number :

Email Address :

SECTION 3 B : Team Contact Information For The Treaty Appreciation Competition

All information pertaining to the competition will be mailed and /or emailed to the Team Contact e-mail address listed below .

TEAM CONTACT (E-mail Address) :

Member 1 - Name :

Telephone Number:

Email Address :

Member 2 - Name :

Telephone Number :

Email Address :

SECTION 3 C : Registrations for Call for Papers

Name:

Telephone Number :

Email Address :

Proposed Subject :

(If the paper is a co-authored effort, kindly mention the names of all authors. However, as per the rules of the competition, the paper cannot have more than four authors.)

SECTION 4 : Competition Fees

Please address all Demand Drafts to “SPIIL Government Law College Mumbai”

The fees for registration is mentioned here under :

- Judgment Deliberation Competition : ₹ 2500
- Treaty Appreciation Competition : ₹ 2500

*All Registration Forms must be submitted on or before 1st November, 2014 for JDC & TAC. Teams for JDC & TAC from the same College can apply in a single form.

Whereas sections 1, 2 and 4 are compulsory, participants are required to carefully choose between sections 3 A, 3 B and 3 C. One student may participate in one competition only. Multiple participants / teams representing the same college may apply on a single form.