

The Nordic Intellectual Property Moot Court Competition (NIP)

1 Schedule

The schedule of the Nordic Intellectual Property Moot Court Competition 2013 (NIP) is as follows:

1. Round one of NIP 2013 takes place from 11 September to 7 October. During this round the teams shall draft a Statement of Claims on the basis of the factual situation in NIP Case 2013.
2. The NIP Case 2013 is made available on 11 September (at 12.00 EET (=Helsinki time)) at <https://tt.eduuni.fi/hanken/NIP2013>.
3. The deadline for the Statement of Claims is 7 October 2013, 23.59 EET. The Statement of Claims shall be sent to the Registrar of the Arbitration Court (see below).
4. Round two of NIP takes place from 14 October to 4 November. During this round the teams shall draft a Statement of Defence.
5. On 14 October 2013 each team will receive by email a Statement of Claims on the basis of which a Statement of Defence is to be drafted.
6. The deadline for the Statement of Defence is 4 November 2013. The Statement of Defence shall be sent to the Registrar of the Arbitration Court.
7. On 15 November the best team from each country is selected and announced. At the same time the position (claimant/defendant) of the teams reaching the final oral hearing is communicated. The information is made available on the NIP website (<https://tt.eduuni.fi/hanken/NIP2013>).
8. The third, and final, round takes place as an oral hearing at the Market Court in Helsinki, Finland on 5 December 2013. Judges from the participating countries compose the arbitration panel. The oral hearing is followed by a dinner.

Communications to the “Registrar of the Arbitration Court” should be addressed to

marcus.norrgard@helsinki.fi and rosa.ballardini@hanken.fi.

All submissions to the registrar must include the names and email addresses of the team.

2 Materials at your disposal and applicable law

Apart from the facts given in NIP case 2013 you are free to use the following materials as sources:

- The Finnish Arbitration Act (967/1992; <http://www.finlex.fi/sv/laki/ajantasa/1992/19920967>).

The Copyright Acts of Finland, Sweden, Norway and Denmark and any relevant EU legislation.

National Supreme Court decisions in Nordic, as well as in other EEA countries could be of relevance for the argumentation of the case. Since the arbitration panel basis its decision on Nordic copyright law, the emphasis should be on Nordic decisions. Decisions from other countries than Finland, Sweden, Denmark and Norway can only have persuasive authority. Any relevant EU legislation is applicable as interpreted by the European Court of Justice.

3 First round: Statement of claim

After having received the case all teams are required to formulate a statement of claim. This statement should be sent on 7 October 2013 at the latest to marcus.norrgard@helsinki.fi and rosa.ballardini@hanken.fi.

The Statement of Claim shall contain all claims and arguments the party intends to present. There will be no possibility to amend or add to the Statement of Claim at a later stage. The focus should be on substantive intellectual property law and not on questions pertaining to arbitration, formalities or procedural law.

Delayed submission may lead to disqualification.

4 Second round: Statement of defence

On 14 October 2013 each team will receive an email with a statement of claim written by another team, on the basis of which a statement of defence should be made.

The Statement of Defence shall contain all claims and arguments the party intends to present since there will be no possibility to amend or add to the Statement of Defence at a later stage. The focus should be on substantive intellectual property law and not on questions pertaining to arbitration, formalities or procedural law.

In addition, if the receiving team is of the opinion that the statement of claim they have received is lacking some relevant arguments the team may discuss such arguments separately under the heading "Submissions which the claimant ought to have made and responses thereto". The receiving team can thus show that they have found some relevant circumstances and arguments that the other team has not observed and, at the same time, compensate lines of argumentation that otherwise are missed because of the first team's negligence in their statement of claim.

The Statement of defence shall be sent no later than 4 November 2013, 23.59 EET to marcus.norrgard@helsinki.fi and rosa.ballardini@hanken.fi.

Delayed submission may lead to disqualification.

5 Language and formalities

The language of the proceedings is English and all arguments should therefore be made in this language. Possible annexes can be submitted in original (Nordic) languages, but other references and/or citations shall be made in English.

Do not forget to number the pages submitted, annexed materials like decisions, articles, etc.

All materials have to be sent in as **pdf-documents**.

6 Clarifications

Questions concerning possibly unclear facts of the case and the parties should be addressed to marcus.norrgard@helsinki.fi. Such questions, if relevant, will, along with the answers, be put on the website available to everybody. It might therefore be important to visit the website from time to time.

7 Legal and procedural support

Each team will have a mentor who will guide and support the team in practical and strategic matters in connection with the statements. These support persons shall not give legal advice as such, but should instead highlight problems by asking questions. **Such mentoring shall not exceed 8,5 hours.**

8 Final

The final will take place on 5 December at the Market Court in Helsinki. More information concerning this event will be given in due time. We hope, however, to see one team from each of the Nordic countries, Denmark, Finland, Norway and Sweden. The finalist teams will be chosen on the basis of the two briefs written by the teams (Statement of Claims and Statement of Defence).

The names of the finalists will be published on 15 November 2013.

9 Winning team

The winning team is chosen by the panel of judges on the basis of the total contribution (written and oral). Factors taken into account include, for example, the persuasiveness and clarity of argumentation, use of sources and the formal appearance of the documents.

A prize for best-written submissions will also be awarded.

10 Examination, credit points etc.

Examination, credit points for the participation in the NIP moot court is a matter for each university, so if you have any questions on those issues talk to your professor.

GOOD LUCK!