**CLARIFICATIONS**

1. Para 3 of the moot proposition states that the trademark has been registered and Para 4 of the moot problem states that the suit filed in the Pune court is for both passing off as well as infringement. However, para 8 of the moot proposition mentions that a suit for “passing off, damages and accounts for profits” only has been filed with the Madras High Court. Should that not include an action for infringement too considering that the trademark in question is a registered one?

   *Participants are free to interpret/understand the reliefs sought for in any (legal) manner as they deem fit. No change/modification is required.*

2. We seek clarity as to the dates with respect to filing of the suits before the District Court of Pune, IPAB and the final suit before the Madras High Court.

   *There are two suits, one before the District Court, Pune and the other before the Madras High Court. The moot proposition does not provide for any preliminary and final suit. The moot proposition as it presently stands is sufficient to raise any/all possible issues.*

3. Is the Company (Mancan) a party to the second civil suit filed before the Madras High Court?

   *Para 5 and 6 of the moot proposition are self-explanatory. The answer also depends on how the Participants approach para 6.*

4. Is Mr. Mankad a Director of M/s Mancan Computers Pvt Ltd. (Mancan)?
Yes, Mr. Mankad is a Promoter-Director of M/s Mancan Computers Private Limited.

5. Whether we only have to deal with the suit filed in the High Court Of Madras, or we also have to deal with the matter pending before the IPAB?

The Participants are before the Madras High Court. Whether they want to deal with the matter pending before the IPAB or not in course of their submission is left entirely for them to decide.

6. Is it mandatory for us to confine our issues to the grounds on which the suit has been filed with the High Court that have been specified in para 5 of the Moot Proposition?

Participants are to confine themselves with the issues raised in para 5 subject of course, to the contents of para 6.

7. What was the status of the registration application of the trademark of M/s Mancan Computers Pvt. Ltd. At what stage is the registration application pending?

The application of M/s Mancan is “Pending for Examination”.

8. When was Mannar Indian incorporated?

Mannar & Co. (India) Limited was incorporated in May 2011.

9. What is the geographic extent of Mancan’s market?

Mancan has strong market presence in South India and Maharashtra. However, Mancan’s products have been known to be available and used in many parts of India.
10. What was date of incorporation of M/s Mannar & Co. (India) Limited in India?

See clarification to Query 8 above.

11. What is meant by a suit for passing off, damages and account of profits? Are the plaintiffs asking for relief in passing off only, or the damages and account for profits are for infringement which is also asked for along with passing off?

The suits have been filed for the exact same reliefs as stated in para 4 and 5 of the moot proposition. See also the clarification to Query 1.

12. What is meant by admitting all applications. Does it include applications mentioned in paragraph number 4 as well as those mentioned in paragraph number 5?

Admitting “all” applications means exactly that! If the argument of the team is that the Madras High Court can hear petitions filed before the District Court at Pune, then, yes, “all” applications would include those in para 4 and 5.

13. Whether we have to deal with the matter pending before the IPAB or only with the matter before high court of madras?

The Moot Proposition is clear on this regard and no clarification is necessary. See also clarification to Query 5 above.

Note: The facts have intentionally been kept to a bare minimum. Participants are at liberty to make assumptions (logical, legal and of course, rational!) based on the limited facts provided in the moot proposition and the clarifications issued herein.