



CCI – NLUD COMPETITION LAW MOOT 2018

16th - 18th February, 2018

Organised by NLU Delhi
in collaboration with
Competition Commission of India

Clarifications

1. In all the cases it is said that there was prima facie evidence and based on such evidence, CCI sent the matters to DG for investigation. Now according to the provisions in the statute it is mandatory that before such matter is sent to a DG, CCI is obligated to forward it to the Secretary for development of such prima facie case. The query is therefore, should we assume that the matter had been sent to the Secretary? or not?

Yes.

2. Whether Holly Molly used to purchase synthetic casings from Jamie's? What are the respective market shares of Straight Mart, Patagonia and Eshoppe?

Decline to comment. You may draw inferences.

3. As per Moot proposition para 23, DG found that the license agreement contained a clause offering discount in case a player opted to procure synthetic casings from sandwiched. But according to para 30, clause b, the DG reported that sandwiched is forcing players to buy synthetic casings if they wished to obtain a licence. Whether the observation are in conflict with each other in Paras 23 and 30 of the moot proposition?

No. You may draw inferences.

4. Whether Eshoppe is entitled to sell Vegan Max's products at a maximum discount rate of 10-15% like it is for the other retailers?

Decline to comment. Facts mentioned in the Proposition are to be relied on.

5. Clarification with regards to challenging the appeals on procedural ground. Whether the same is allowed. Secondly, whether various trade conventions

6. and regulations, such as WTO TRIPS India is signatory to could be taken up and relied upon.

Yes, challenges on procedural grounds are allowed. There have been appeals on procedural grounds before the relevant appellate tribunal.

7. The years in which Sandwiched applied for patent protection (2010), received funding for devising new methods and technologies (2012), and was granted patent protection (2015) do not add up. Kindly clarify.

No clarifications required.

8. Is the packaged meat brand "Ranchers" owned by Sandwiched Private Limited?

Please refer to paragraph 5 of the Proposition.

9. Is the Usage Fee charged on total sales of the Licensee or only on the sales of sausages?

Sales of sausages.

10. What is the Dual Distribution Policy adopted by VeganMax Private Limited which is talked of in Paragraph 20?

Please refer to paragraphs 10 and 11 of the Proposition.

11. In para 20 of moot proposition, it is stated that veganmax follow dual-distribution policy. My question is - How Veganmax follow dual distribution policy? Veganmax only prescribed maximum limit in discount of its product which are sold by retailers, it is not making agreement to charge different price.

Please refer to paragraphs 10 and 11 of the Proposition.

12. Fact sheet point no. (5), why Sandwiched mentioned that Ranchers will soon become the market leader and in what way ranchers are related to Sandwiched?

Decline to comment. Facts mentioned in the Proposition are to be relied on.

13. Fact sheet point no.(17), how Holly Molly got certain rights while having 4% shareholding in Patagonia, namely :i) right to nominate one board member ii) right to appoint CEO, CTO, COO and iii) rights pertaining to business plans and commencement of new business? Further how much shareholding Whitestone do it had in Patagonia?

Holy-Molly is an investor in Patagonia. Shareholding of Whitestone in Patagonia has not been specified. The rights may have been conferred pursuant to an agreement.

14. Fact sheet point no.(29), why these three e-commerce players need membership of Ecom Trade Association to look into lobbying activities?

Decline to comment. Facts mentioned in the Proposition are to be relied on.

15. Can we use US and EU cases in the written memorials?

Yes.

16. Is vegan max dealing in the market only with vegan meat products?

Yes.

17. Whether vegan max was the sole player in the vegan meat market in zion?

Decline to comment.

18. Whether vegan max produced its own casings or not?

Please refer to paragraph 10 of the Proposition.

19. What exactly is meant by unbranded meat products. Is there any enterprise in the proposition dealing with the same?

Unbranded meat products are meat products which are sold not under any brand name.

20. In page no. 25, Paragraphs 16 & 17 of the moot proposition, e-commerce entities are introduced, where-in two clarifications the team seek for:

- a. What is the percentage of holding of Whitestone in Patagonia and Starightmart ?
- b. What are the places of origin and registration of Straightmart, Patagonia, Eshoppe?

a) Decline to comment

b) All 3 operate through subsidiaries located in Zion, with parent companies based outside Zion.

21. Do we have to make 3 different files for dealing with all 3 cases, or do we have to make 1 single file and deal all 3 cases as 3 different issues. And if we have to make only single file, then what would be the title for the case as well as parties?

Please refer to the rules.

22. In paragraph 20, it says '(ii) It's pricing policy is due to 'various factor' including unreasonably high usage fee paid'. Could you please clarify what these 'various factors' are?

Decline to comment.

23. Is Holly-Molly the owner of Moo Food and Porky Club?

No.

24. Are there any other similar pricing prediction algorithms available?

Decline to comment. Please refer to paragraph 30 of the Proposition.

25. Who are the owners of Moo Foods and Porky Club?

Please refer to the answer to Question 22.



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