



FICCI-CLC 1st National Virtual Moot Court Competition, 2024

CORRECTIONS AND CLARIFICATIONS TO MOOT PROPOSITION

Except to the extent that corrections and clarifications are given below, participants should assume that the Moot Proposition is accurate and complete in all respects.

CORRECTIONS

1. In paragraph 4, the term “India” is corrected to read “Indiga”.
2. In paragraph 6, the term “Indian”, in the second sentence is corrected to read “Indigan”.

CLARIFICATIONS

Q1. Are Indiga’s laws in *pari materia* with Indian laws?

Yes, Indiga’s laws are in pari materia with the Indian laws.

Q2. Which US state’s jurisdiction should be referred to be in *pari materia* with Kryptonite, considering the US has a federal system?

Participants are directed to follow the US copyright law.

Q3. Are Kryptonite's laws in *pari materia* with Indian laws?

No, Kryptonite's laws are in pari materia with the US laws.

Q4. Considering the suit has been filed in the US, which filing method (US or India) has to be followed for memorials?

Participants are reminded that the point of contention is whether the suit filed in the US is enforceable in Indiga.

Q5. Whether the plaint can be challenged on the grounds of jurisdiction?

Yes, kindly refer to the proposition.

Q6. The Moot Proposition refers to "Jennie and Alex" as "kids", are they minor or major as per the respective state laws? What are the ages of Jennie and Alex?

They are called "kids" to indicate their long-time fandom of Agatha Rose. At the time of writing the fanfiction, they were young adults and major under the Indigan laws.

Q7. Whether more parties can be added to the lawsuit?

Yes.

Q8. Does 'We Write' hold control over the content that is posted by the user?

Participants are reminded that 'We Write' is a fanfiction website, which is a platform for writers to publish their stories and showcase their creative writing and interact with readers. The platform can be considered as a social media platform. It is to be noted that the platform does not hold any control over the control posted. However, they remove content if it is found to be abusive or offensive.

Q9. What was the intent of Jennie and Alex in their alleged infringement actions? Was it solely for the purpose of learning more about the author's style or exploring creative writing?

Jennie and Alex did not have any mala fide intention of infringing the rights of Agatha Rose, they just wrote the fanfiction on WeWrite just to garner appreciation from the WeWrite Readers community.

Q10. Has the author ever publicly allowed fans to create derivative works?

There is no history regarding it. It is not relevant to the proposition

Q11. Was the AI-generated image of Agatha Rose, on the book cover, exactly identical to Agatha Rose herself or were there certain differences?

Agatha Rose is a public figure, her pictures are available on the internet, and the AI image generated was exactly identical to Agatha. It is to be further clarified that the book cover did contain her photo but there were other elements present in the book which was solely generated by AI after getting instructions from Jennie and Alex