

ELSA MOOT COURT COMPETITION (EMC²) 2009-2010

CASE AUTHOR'S

10 TIPS FOR TEAMS PROGRESSING TO THE FINAL ORAL ROUND

- Arguments regarding the status of Ipland's domestic intellectual property regime are of limited value. The main point is that Ipland is protecting certain intellectual property rights that are not protected in either Midonia or Freeland.
- Arguments regarding Ipland's Statement of Claim are of no value.
- Teams should ensure that they understand and make use of the relevant portion of the Paris Convention.
- Teams should attempt to understand the meaning of the term **“without discrimination”** in Article 27 of the TRIPs Agreement.
- Teams should ensure that they understand and make use of the Vienna Convention on the Law of Treaties.
- Teams should understand the implication of raising **“public health”** in regards to the claim under Article 27 of the TRIPs Agreement and the claims concerning the transit restrictions.
- Teams should prioritise arguments for the claims made in regards to transit restrictions.
- Teams should understand the similarities and differences (and implications arising from the similarities and differences) between *Mexico–Soft Drinks* and the present case.
- Teams should understand the relationship between GATT Article V, GATT Article XX and the TRIPs Agreement, as it relates to the present case.
- Teams should remain calm and composed when presenting their case in front of the panel, and above all use this experience to have fun, make friends and network with others interested and working with WTO Law!

Professor Bryan Mercurio

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