

**ELSA MOOT COURT COMPETITION (EMC²) ON WTO LAW
2006-2007**

CLARIFICATIONS

Factoril – Compulsory Licensing of Pharmaceutical Patent

by

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- Q1.** When did Costo, Distria and Factoril become WTO members?
Answer: They are all founding Members of the WTO.
- Q2.** Is Listria in accession negotiations with the WTO?
Answer: No.
- Q3.** Are Costo, Distria, Factoril and Listria members of the United Nations?
Answer: Yes.
- Q4.** Does the Panel have standard terms of reference?
Answer: Yes.
- Q5.** Are Articles IX and X of the WTO Agreement part of Costo's claims?
Answer: Costo's claims are set out in Case para 17.
- Q6.** Has Costo, Distria or Factoril formally accepted the General Council 'Amendment of the TRIPS Agreement: Decision of 6 December 2005'?
Answer: No.
- Q7.** Are any statistics available regarding infections or deaths caused by the Amblo Virus in Distria or Listria?
Answer: The available information is in Case paras 2-3.
- Q8.** When was the patent for M63 registered? In which countries?
Answer: The patent for M63 was registered at various times in different countries (see Case para 4).
- Q9.** On what basis is Distria claiming to have insufficient capacity to meet its M63 needs?
Answer: The information Distria has provided so far is in Case para 5(b).
- Q10.** Does Listria have the manufacturing capacity to produce M63?
Answer: You need to make your own assessment of this if you think it is relevant.

Q11. How much M63 does Listria need to combat the Amblo Virus? How did it determine this need?

Answer: Listria has not provided the WTO with this information.

Q12. Has Factoril informed Costo of Licences B and C?

Answer: You need to make your own assessment of this if you think it is relevant.

Q13. Do royalties paid under Licences B and C provide adequate remuneration to the patent holder?

Answer: You need to make your own assessment of this if you think it is relevant.

Q14. Does Listria Inc have contracts with the companies in Distria from which it is importing M63?

Answer: Yes.

Q15. Did some units of pink M63 end up in Factoril after the end of the 12 month contract periods pursuant to Licences B and C?

Answer: At the time of panel establishment this cannot be foreseen.

Q16. Can non-FTA members participate in FTA tribunal proceedings?

Answer: No.