

Moot Proposition

XX ALL INDIA MOOT COURT COMPETITION, 2016
UNIVERSITY LAW COLLEGE, BANGALORE

1. The Union Minister for Culture on X June, 2010 expressed his concerns about the lack of recognition to the ancient contributions of the society to field of Science.
2. A Multi National Company based in United States of Ramerica, namely **Futuristic Technology Corporation (FTC)** invested US \$100 million and established in Cindia, a fully owned subsidiary namely **Futuristic Technology Indus (FTI)** for developing softwares on the theme of Futurology.
3. The Research and Development Department (R & D) of FTI developed several softwares in genetic science for diagnosing the possible ailments based on the DNA structure and its properties.
4. However, even after five years in the business, the huge investment of US \$ 100 million made by the FTC was not giving sufficient returns. The business prospects appeared bleak in the field of genetic science. The **FTC** then consulted well-known management consultants **Silver Tachs**, who advised them towards exploiting the traditional areas of life predictions, which according to them, is a gold mine having a market of about US \$ 100 billion around the world.
5. Upon infusion of fresh funds of about US \$ 50 millions by the FTC, a team of the R & D department of the FTI headed by a Physicist Dr Sriram, who has a doctorate in Astrophysics from a prestigious US University and comes from a family of famous astrologers; worked on the project and developed a software titled '**Future X**' for predicting what holds in the future for a man or woman based on the movement and position of stars in the constellation.
6. The FTC - as a foreign company filed an international application for grant of patent to the software **Future X** under the provisions of the Patent Act of 1970. Upon examination, the Patent was granted and duly registered in the name of FTC.
7. The software '**Future X**', immediately attracted the global market earning a whopping sales revenue of US \$ 200 million in six months.

8. However, grant of patent to software **Future X** shocked the rationalists across the globe. A forum namely **Rationalists International** filed a Writ Petition under Art. 226 of the Constitution challenging the grant of software patent to the FTC inter alia on the ground that Astrology is not a science, and that the software **Future X** is not a new invention capable of industrial application. The violation of provisions of the Patents Act of 1970; particularly **Sec 3 (a) and 3 (k)** were alleged.
9. Prominent politicians including Bakshi Yuvaraj issued statements complimenting the FTI for its achievements in giving a shape to the traditional scientific knowledge which our ancestors have developed for ages.
10. The High Court upholding the contentions of the petitioner quashed the grant of patent to FTC. Being aggrieved, a Special Leave Petition was filed in the Supreme Court of Cindia under Art.136 of the Constitution, challenging the said order of the High Court.

The Supreme Court of Cindia granted the special leave and has posted the appeal for hearing on February 28, 2016.

11. The Mooters shall prepare the arguments for the Appellant FTC and Respondent Rationalists International.

NOTE: For the purposes of this Moot Competition, the laws and treaties applicable to the United States of America and India shall be treated as applicable to United States of Ramerica and Cindia respectively mentioned in the above Moot Problem.

This Moot Proposition was drafted by Mr. Mohan Katarki, Advocate, Supreme Court of India. Any attempt by participants to contact him with regard to the moot proposition will result in immediate disqualification from this Moot Court Competition.