

# Oxford International Intellectual Property Moot 2017

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## Corrections & clarifications

1. In Item 1 on page 1 of the Instructions (coverage of the appeal in the Supreme Court), please add the words “public policy or” before the word “morality”.
2. All evidence referred to by Madam Justice Davies, for instance in relation to the sales figures and newspaper reports, has been admitted in accordance with Erewhonian rules of evidence.
3. Erewhon is a fictitious country. Evidence in relation to, e.g., attitudes towards alcohol or alcohol consumption patterns in actual countries may not be used to support the contention that similar attitudes or patterns exist in Erewhon. More generally, teams must not assert or make up facts not included in the trial decision.
4. Treaties are not directly enforceable in Erewhonian law.
5. The 789 Patent was filed in 2005 and granted in 2006.
6. The legal drinking age in Erewhon is 18.
7. The procedural provisions of the Patents Act 1980 allow a court to invalidate a patent on the basis that it violates s. 10(3).
8. The term “Erewine” has been used by Erewhonian wine producers since the early 1970s. It has been used by Whispering Gums in relation to Wizard’s Wizz Erewine since the product was launched in 2006.
9. Loddon River Elderflower Non-Alcoholic Erewine is made in Erewhon. It sells for ERD\$7.00 per 750mL bottle.
10. In paragraph [15], please replace the words “there is no argument for passing off based on the get-up of the **claimant’s** product” with the words “there is no argument for passing off based on the get-up of the **defendant’s** product”. The reference to get-up relates to the labeling affixed to the claimant’s and the defendant’s products.