



REVA
UNIVERSITY

Bengaluru, India

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School of Legal Studies Organises



2nd REVA National e-Moot Court Competition, 2022 Moot Proposition

1. The country MAHAPRABHA (hereafter referred to as MP) is a democratic state with ARYA as its capital. MP has a total population of 8 Crores. ARYA houses several tribes who work with animal training and welfare who constitute 43% of the population. KODO tribe forms the majority of the tribal population and QURUMBA forms the minority.
2. The KODO tribe community used leaves of a plant, BEL for helping the elderly population remove wrinkles within one week. A cosmetic company named COSMOS worked with one family of the KODO tribe and developed a skin cream for removing wrinkles within one week. COSMOS processed the leaves to a paste form and sold the same in a 2g tube for Rs. 2000. COSMOS buys 5 kgs of BEL leaves from the KODO tribe for Rs. 200. COSMOS patented the skin cream. ANTARA, a non-profit NGO was trying to improve the quality of life for MP's tribal people and filed a case against COSMOS on behalf of the KODO tribe. The Supreme Court in the above case decided in 2020 in favour of ANTARA and issued a guideline to the Government that while appropriating Traditional Knowledge, Prior Informed Consent and Access and Benefit Sharing principles must be followed.
3. ANTARA to continue its activities applied for an annual subsidy of 75 lakh from the MP's government which was granted. As a condition of receiving the annual grant, ANTARA was required to submit an annual audit report to MP's Forest Policy and Tribal Development Ministry, which they always did. Three years ago, ANTARA's volunteers came upon the QURUMBA tribe. QURUMBA have perfected the technique of animal training without causing them harm. They have devised a unique training approach that allows horses to conduct a variety of leisure shows as well as day-to-day home tasks to assist people with impairments.
4. Sooraj graduated from the Boston University of Technology with a Master of Science in Computer Engineering and Electrical Engineering. Sooraj was born into and raised in a household of public-spirited people. Sooraj is also an avid animal lover. He was closely engaged with ANTARA and its welfare initiatives, in addition to being a staunch advocate and supporter of the Software Frontier Foundation. Sooraj learned about QURUMBA in 2016. He proposed creating an artificial intelligence-based training module for training horses so that members of the QURUMBA community could train their horses quickly, easily and harmlessly.
5. The Board of Directors of ANTARA loved Sooraj's idea of creating an artificial intelligence-based training module. Thus, ANTARA has asked to create the same. Sooraj and his colleagues were taken by ANTARA to the village where QURUMBAS had lived for generations. Sooraj and his colleagues met Harish, a delightful and eager little tribal child, during their visit. Sooraj and his team were especially captivated by Harish's horse shows. In 2021, Sooraj and his colleagues created ASHWA, an artificial intelligence-based training tool, after attentively observing Harish's numerous performances. ASHWA - Oral Noises to Train Horses included sound, graphics, visual recognition, and a variety of

other sensors. ASHWA could assist in more scientific, entertaining, and technologically advanced horse training. ASHWA applied the principles it had learned through facial recognition algorithm to identify and classify the most common training patterns used by QURUMBA, to reproduce the style, and create new training elements. Notably, ANTARA covered all of Sooraj's and his team's travel, food, and lodging expenses.

6. After returning, Sooraj and his colleagues exhibited ASHWA to ANTARA's Board of Directors. The design, performance, and user-friendliness of the module impressed the Board of Directors and the whole team irrevocably and forever ceded all rights, title, interests, and ownership in ASHWA to ANTARA as they thought ANTARA would make this software accessible to all animal trainers, thereby preventing cruelty towards animals. ANTARA obtained a copyright registration for ASHWA in MP after receiving the assignment. Through the Patent Corporation Treaty (PCT) process, ANTARA also obtained a patent for ASHWA in all PCT countries. Harish was granted a non-exclusive, non-transferable, non-alienable, non-licensable, non-assignable, revocable, royalty-free user license by ANTARA to better understand ASHWA's workability and efficacy. Harish began using ASHWA and quickly learned that the module was so effective that it could even instruct rambunctious horses. Harish used ASHWA to train a horse named Marley. Prior to the training, Marley was known for his infamous, brutish, and nasty demeanor. Marley quickly became Harish's go-to horse for all of his concerts. Harish put up a great horse display a few days later at QURUMBA Annual Year Gala. QURUMBA Annual Year Gala was the pinnacle of their cultural manifestations and rich social history.
7. Amrutha, a U.S. citizen and MP resident who attended the Annual Year Gala on a regular basis, happened to get a glimpse of Marley's incredible performance and the outstanding software-animal-human interface by coincidence. She captured how Harish stood throughout the performance, sometimes offering Marley oral and sign directions when he didn't respond to ASHWA. Amrutha is a Cambridge University software engineer. She holds a Ph.D. in artificial intelligence as well. She has dedicated her life to the development of Open-Source Software for the benefit of the community. Amrutha learned that ASHWA was available for download on the ANTARA website. After agreeing to the click-wrap license terms, any member of the public might download ASHWA by revealing his or her government-issued social security number (known as UNICQ). The following clauses are included in the license:
 - a. ANTARA now grants you a non-exclusive, royalty-free, non-transferable, non-assignable, non-alienable, non-commercial license to use ASHWA solely for your own personal or private use.

- b. Regardless of anything else in this License, you understand, agree, and agree not to change ASHWA in any way and not to release any improved version into the public domain.
8. Amrutha downloaded the ASHWA but was unable to run it on her computer. When she returned to the ANTARA website, she realized that the ASHWA could only be used with hardware that ran the XUNIL Operating System. Amrutha later installed ASHWA on a second laptop that already had the XUNIL Operating System installed. Recognizing XUNIL's intrinsic restriction as an implementable ASHWA, Amrutha determined to design a work-alike that could run on any platform and operating system. Amrutha reverse engineered ASHWA in her spare time and came up with ALOGO, a behaviorally comparable module. During a ALOGO trial run, Amrutha did her best to eliminate the issues that she found by including an interface adapter. ALOGO's second version was better than the first, although it still had issues with compatibility and other errors. In 2017, Amrutha created BUDHDHI, a unique artificial intelligence that could design computer programs on its own, fix bugs, fix compatibility difficulties, and make applications more user-friendly.
9. Amrutha installed the second version of ALOGO in a system that also houses BUDHDHI in order to conduct a full analysis and make the necessary corrections. BUDHDHI released a new version of ALOGO, which Amrutha dubbed MAHASHWA. MAHASHWA was not just platform agnostic, but it could also be customized and self-taught based on the animal being trained (similar to a market-available speech recognition software). After studying an animal for 24 hours, MAHASHWA had a built-in recognition system that could self-educate by gathering data.
10. Harish and Marley's taped performance was uploaded to Amrutha's website. She also made MAHASHWA available to the general public via her website, under a copy-left open-source license that permits users to use, attribute, and share-alike for non-commercial purposes. KODO was a tribe that specialized in animal training, notably bears. Shamita, a tribal girl, completed her postgraduate studies in human and animal awareness at MP. She was putting in a lot of effort to figure out if animals have consciousness. By coincidence, she came upon Amrutha's website and learned about MAHASHWA. CHARLEY, a bear, was successfully trained using MAHASHWA. She was astounded to discover that CHARLEY was acting solely by looking at the computer screen, signal, and sound interface, with no human participation. Shamita made the video available on her website.
11. A few months later, the CEO of ANTARA went to Amrutha and Shamita's websites. ANTARA then sent Amrutha a cease-and-desist notice through their lawyer, requesting that she remove MAHASHWA from her website. Amrutha received a separate cease and desist notification from Harish, requesting that she remove the video of MARLEY and his performance from her website as soon as possible. Amrutha refused to abide by the

notices' conditions. In the High Court of ARYA, Harish filed a suit for infringement. The court has given verdict in Harish's favour. Amrutha was also permanently barred from publishing, disseminating, duplicating, or circulating the film, and Harish was granted damages of 6 lakh. Amrutha filed an appeal with the High Court Division Bench where she was unsuccessful, and hence, approached the Supreme Court of MP.

12. ANTARA filed a lawsuit against Amrutha in the High Court of ARYA, saying that MAHASHWA infringed on ASHWA's copyright and patent. Amrutha contended for the revocation of ASHWA's patent and copyright. Amrutha also contended non-infringement as MAHASHWA was created by BUDHDHI and therefore, the owner of MAHASHWA is BUDHDHI. The High Court allowed the Petition. Amrutha filed for an appeal with the Supreme Court of MP. As both the above matters have substantially the facts, the Court has clubbed these appeals and has decided to hear them together.
13. Meanwhile, Sooraj has filed a writ petition under Article 32 of the MP Constitution, that ASHWA should be used only for non-commercial objectives, resulting in a cascade of public benefits which was the whole purpose of creating the software. The Writ Petition was also clubbed with the above Appeals.
14. MP's laws are in parimateria with those of India. MP has fully implemented its international obligations like that of India. Furthermore, the MP's patent office has followed a specific guideline known as "MPCRIs" which is near copy of the 2017 "Guidelines for Examination of Computer Related Inventions (CRIs)" that apply in India, for the examination of patent applications in the field of computer-related inventions.



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