

21st John H. Jackson Moot Court Competition

Clarification Questions

NOTE FOR TEAMS: Several questions were related to substantive claims and arguments that the teams are expected to develop themselves. These questions have not been answered. Further, duplicate questions have been deleted.

General Clarification: For all purposes of the moot, please consider Section 75 of the Customs Act to include sub-section (3) [in blue below].

Versania Customs Act, 2006

Section 75: Customs action against goods suspected of infringing intellectual property rights

- 1. Where a holder of intellectual property rights registered in Versania makes an application for customs action pursuant to a decision of the Intellectual Property Board for seizure, detention, destruction or disposal of goods alleged to infringe intellectual property rights under the Versanian Code on Intellectual Property Protection, or where the Intellectual Property Board forwards such a decision to a Customs office, the relevant Customs office shall take action as directed by that decision.*
- 2. Where goods alleged to infringe intellectual property rights under the Versanian Code on Intellectual Property Protection are only in transit through the territory of Versania, the Customs Office shall nonetheless be entitled to take such measures against them as directed by the relevant decision of the Intellectual Property Board.*
- 3. Any goods against which action is taken pursuant to this section shall be deemed to have been imported into Versania.*

Part I: Questions regarding the shipment of vaccines.

1. Did ANCOP decide to ship the vaccine through Versania's sea ports? Was Versania aware of this, and if so, did Versania agree to allow the shipment to pass through the Versanian Port? [para 12]

ANCOP did decide to ship the vaccine through Versania's sea ports. Versania was aware of the possibility since Arion regularly used Versanian sea ports for international trade, however it only got confirmation when ANCOP's vaccines reached the Versanian Customs Office at the border with Arion.

2. Where in the Case Study did Versania "claim" to have imported the vaccines in transit? [para 19]

See General Clarification.

3. Are there any ANCOP vaccines in transit from Arion to Boutica, in fact, imported into the Versanian market?

No clarification needed.

4. Were there also transits transporting COVID-19 vaccines produced with the process patented by Zanos through Versania from countries other than Arion and if yes, how were they treated?

There were no other vaccines produced with the process patented by Zanos transiting through Versania other than the ones produced by ANCOP.

5. Is it deductible from the shipping documentation attached to the vaccines' shipment that the goods are designated to be released in free circulation in Boutica, or that the journey is otherwise terminating beyond the frontier of Versania?

Yes.

6. Did Versania deem vaccines in transit as a threat to its national security interests while choosing the enforcement measures?

No clarification needed.

7. How many shipments, as an estimate, does "several shipments" refer to, and what was ultimately done to the rest of the shipments [para 15]?

ANCOP sent five shipments of its COVID-19 vaccines, all of which were confiscated and destroyed by Versanian Customs Authorities.

8. What is the total volume (in units and in USD) of pharmaceutical goods transiting from Arion through Versania?

ANCOP sent five shipments of its COVID-19 vaccines, each containing 20,000 doses. At USD 15.5 per dose, each shipment was valued at USD 310,000.

9. When did the disputed vaccines enter Versania's territory?

No clarification needed.

Part II: Questions regarding the seizure and destruction of vaccines

1. When was the decision for the seizure and destruction of vaccines sent by ANCOP given by the Versanian IP Commissioner? Was the decision for seizure and destruction of vaccines (by the Versanian IP Commissioner) given before or after ANCOP had released its cargo for shipment from Arion?

The Intellectual Property Board issued the decision on 5 August, 2022. ANCOP released its cargo for shipment from its production facility on 12 August, 2022.

2. What is the timeline of events concerning Zanos' application before the Intellectual Property Commissioner (date of filing of application, date of hearing, date of decision)?

Zanos filed an application with the IP Commissioner (Chair of Intellectual Property Board) on 25 July, 2022. A hearing was conducted between 28-31 July, where ANCOP and Zanos both participated, and the decision was issued on 5 August, 2022.

3. Were there any investigations or a judicial review before the destruction of the vaccines?

The decision of the Intellectual Property Board was judicial in nature, and was immediately forwarded to the Versanian Customs Office. The Customs Office was able to match the

shipment to the description of the infringing goods in the order of the Intellectual Property Board.

4. Was the hearing and the decision of the Versanian Intellectual Property Board (referred to in Paragraph 14) issued publicly or published? Was the government of Arion, Boutica and ANCOP made aware of the hearing and the decision so taken and were they able to access it?

ANCOP was informed about, and allowed to participate in the proceedings before the Versanian Intellectual Property Board. The decision of the Board was subsequently communicated to Zanos and ANCOP, and also published on the website of the Intellectual Property Board. The website can be accessed by anyone around the world.

5. Was there a civil judicial procedure to enforce the protection of IPRs before the destruction of the vaccines? Did Zanos file the written notice to the competent authorities in conformity with the necessary legal requirements?

Yes. Zanos filed a written application to the competent authorities. The proceedings before the Intellectual Property Board were judicial in nature.

6. What evidence, if any, did Zanos provide for the prima facie patent right infringement to the Intellectual Property Board of Versania according to Section 61 para. 2 of the Versanian Code of Intellectual Property Protection when applying for the customs actions?

Zanos provided evidence, including Executive Order 46/22 issued by Arion's Minister of Health, to show that ANCOP's vaccines were produced using the process patented by Zanos. In response, ANCOP argued that its vaccines were produced under the 2022 Ministerial Decision, and hence did not infringe Zanos' patents. Zanos countered that ANCOP was producing vaccines for commercial sale, beyond what is necessary to address the COVID-19 pandemic, and hence the conditions of the 2022 Ministerial Decision were not satisfied. The Intellectual Property Board accepted Zanos' argument.

7. In examining Zanos' application to seize and destroy ANCOP's vaccines in transit, did Versania's Intellectual Property Board consider whether the executive orders issued by Arion and Boutica (Case para. 11) satisfied the conditions laid down by the WTO, especially those conditions under TRIPS Article 31 and Article 31 bis, for the use of Zano's patent without Zanos' authorization and, if so, what conclusion did it reach?

The Intellectual Property Board noted in a footnote that Boutica had not notified the TRIPS Council of its intention to use Article 31 *bis* as an 'eligible importing member', and hence Article 31 *bis* was not relevant. Article 31 was also irrelevant as it was only limited to use 'predominantly for the supply of the domestic market'.

8. Did ANCOP receive the opportunity to judicially review or challenge the intellectual board decision?

Yes, ANCOP had the right to appeal the decision of the Intellectual Property Board before the High Courts in Versania. However, after the decision ANCOP informed the Intellectual Property Board that it will not be exercising this right.

9. How was the procedure regarding Zanos' application alleging the infringement of exclusive patent rights (as per para 14 of the Case file) conducted, in particular: was ANCOP Ltd. informed about the proceedings, was ANCOP invited to participate and did it participate in such proceedings

and present its evidence, was ANCOP Ltd. notified about the Intellectual Property Board's decision (if yes - when) etc.?

ANCOP did participate in the proceedings before Intellectual Property Board, arguing that its vaccines were produced under the 2022 Ministerial Decision, and hence did not infringe Zanos' patents. It was subsequently notified about the Intellectual Property Board's decision the day the decision was issued, on 5 August, 2022.

10. Is the order of the Versanian Intellectual Property Board against the ANCOP Covid-19 vaccines conditionally applicable, and if so, what are the conditions of the order?

There are no conditions associated with the order.

11. What was the nature of this 'hearing' of the IP Board in para 14? Was there any representation made by Arion or ANCOP in these proceedings? Who were the parties at this hearing?

The Intellectual Property Board is a judicial body. Both ANCOP and Zanos were parties to the hearing, and both participated in the proceedings.

12. Were ANCOP, Arion and Boutica provided with a notice and an opportunity to challenge the decision of the IP Board after the said decision was passed?

ANCOP being a party to the proceedings before the Intellectual Property Board had the right to appeal its decision, but it informed the Intellectual Property Board that it will not be exercising this right.

13. What were the specific reasons for the Versanian Intellectual Property Board to authorise the seizure and destruction of the vaccines, seeing as Section 61(3) of the Versanian Code on Intellectual Property Protection (1995) requires the board to take into consideration "the need for proportionality between the seriousness of the infringement and the remedies ordered as well as the interests of third parties"?

The Intellectual Property Board held that considering the seriousness of the infringement, as the vaccines were created using the process patented by Zanos, destruction of the vaccines was a proportionate remedy.

14. When were the disputed vaccines seized?

15 August, 2022 (See paragraph 15 of the Case).

15. Was notice served to ANCOP of the seizure and destruction of their vaccine shipments by Versanian authorities, and if yes, when and how was such notification made?

The Versanian Customs Authorities served written notice to ANCOP about the seizure on the very day that the seizure was made. However, ANCOP did not respond to the notice.

16. If the Government of Arion made a request to retrieve the consignment that was seized on 15 August, what were the grounds on which such request was declined by the Government of Versania, in light of the fact that the consignment was ultimately destroyed 15 days after it was seized?

Neither ANCOP nor the Government of Arion made any request to the Versanian Customs Authorities to retrieve the consignment.

17. When was the seizure of ANCOP's vaccines notified to Zanos?

The Versanian Customs Authorities notified Zanos about the seizure the day it was carried out.

18. Did the Versanian Customs Authority take provisional measures prolonging the suspension of the release of the goods or were the customs authorities informed that proceedings leading to a decision on the merits of the case have been initiated?

The decision of the Intellectual Property Board holding that ANCOP's production of COVID-19 vaccines infringed Zanos' patents, and authorising the Customs Office to seize and destroy all shipments of the disputed vaccines in transit had already been forwarded to the Versanian Customs Office.

19. What is the measure of Versanian customs to deal with the seized vaccines? Will they be auctioned and diverted to the Versanian domestic market?

The vaccines were destroyed on 30 August 2022.

20. Apart from the seizure on the 15th of August 2022, have there been other seizures of other shipments, or trans-shipments, of the ANCOP reverse-engineered Covid-19 vaccines?

No. ANCOP sent five shipments of its COVID-19 vaccines, all of which were confiscated by Versanian Customs Office on 15 August 2022.

21. Are there any other countries' goods that were seized and destroyed because they violate the Versanian Code on Intellectual Property Protection and Versania Customs Act?

No. No other countries' goods were seized and destroyed on account of a violation of the Versanian Code on Intellectual Property Protection and Versania Customs Act.

22. Before destruction, were the vaccines stored outside the customs area, and were they stored in an appropriate sanitary condition?

The vaccines were stored in appropriate sanitary and temperature conditions at a storage unit maintained by the Versanian Customs Office.

Part III: Questions regarding the sale and purchase of vaccines

1. While each of Arion and Boutica has purchased some Zancovac vaccines to support the booster shots for their entire population, are their purchases sufficient to support the booster shots for their entire population "every six months" as required according to para 7?

No, Arion and Boutica had not purchased enough supplies of Zancovac vaccines to support the booster shots for their entire population every six months.

2. Are the ANCOP vaccines being sold to pharmacies at cost or is ANCOP making a profit from selling reverse-engineered COVID-19 vaccines?

ANCOP does not publicly release details about its cost of production, instead choosing to keep such details confidential for business reasons. Newspaper reports from Arion showed that ANCOP's pricing strategy allowed it to make profits up to 400%. However, neither the government of Arion nor ANCOP's representatives have issued any comment on such reports.

3. Are the private pharmacies in Arion and Boutica selling the ANCOP vaccines for less than they are selling other commercially available vaccines?

Private pharmacies in Arion are only selling ANCOP vaccines currently. Further, private pharmaceutical distributors in Boutica have also only entered into purchase agreements with ANCOP. Zancovac was procured by the governments of Arion and Boutica, and the governments are maintaining the remaining stocks of Zancovac for public use.

4. Does Zanos have 7,000,000 doses of Zancovac available for commercial purchase to meet Arion and Boutica's collective demand for periodic COVID-19 boosters by July 10, 2023?

Yes. Further, Zanos has announced that it has the capacity to produce 250,000,000 doses each month.

5. Are there vaccines other than Zancovac with regulatory approval in Arion and Boutica available to be purchased?

There are four other vaccines which have received regulatory approval in both Arion and Boutica, but none of them have been purchased either by the governments nor private distributors due to significantly higher prices than both ANCOP's vaccines and Zancovac.

6. Did ANCOP and Zanos only sell vaccines after talking with Boutica?

No clarification needed.

Part IV: Questions regarding the production of vaccines

1. Did Boutica have domestic capacity to produce COVID-19 vaccines? If not, is importation from Arion the most convenient and economic way to ensure the supply of vaccines for periodic booster shots?

Although Boutica has some manufacturing capacity for vaccines, when Zancovac cleared clinical trials and received marketing approval in Boutica, the local pharmaceutical companies in Boutica stopped their research into developing COVID-19 vaccines.

2. How much does it cost for ANCOP to produce one dose of vaccine (per unit cost), using the process of Zanos?

ANCOP does not publicly release details about its cost of production, instead choosing to keep such details confidential for business reasons.

3. Considering both vaccines mentioned in the case, what is the share of the cost of the raw material within the total cost of production?

ANCOP does not publicly release details about its cost of production, instead choosing to keep such details confidential for business reasons.

4. Was Arion, or ANCOP able to develop a vaccine of its own at all, before the case was brought before the panel?

No clarification needed.

5. Does the declaration by ANCOP in para 8 mean the production of a new kind of vaccine or only Zancovac?

The statement by the government of Arion did not mention these details.

6. How quickly after ANCOP started manufacturing vaccines using the process patented by Zanos, did the vaccine clear clinical trials and receive market authorisation in Arion and Boutica?

ANCOP's vaccines received market authorisation on 3 August in Arion, and on 5 August in Boutica.

7. How close, from a technical standpoint, were the vaccines researched by Arion and Versania?

No clarification needed.

Part V: Questions relating to patents/licences/IP

1. Did ANCOP and Arion try to request a licence before Executive Order 46/22 was enacted to use the process of production of COVID-19 vaccines patented by Zanos?
No, ANCOP did not try to negotiate any agreement with Zanos to use the latter's patent.
2. Was Zanos adequately remunerated by Arion or Boutica for their compulsory licensing of its patent? If so, how was the amount of remuneration determined?
Yes, Zanos was adequately remunerated in Arion taking into account the economic value arising from the use of Zanos' patents in the production of COVID-19 vaccines.
3. Were both product and process patents granted to Zanos in both Arion and Boutica?
Yes.
4. Did Versania apply any restrictions or prohibitions on vaccines of other possible competitors on the market of COVID-19 vaccines (manufacturers, developers etc.), and if yes - how were they maintained?
Versania did not apply any restrictions on COVID-19 vaccines.
5. Did Zanos hold product patents for Zancovac in Arion, Boutica and Versania?
Yes.
6. Was Zanos' patent application regarding the product and process of Zancovac accepted in Arion?
Yes.
7. Are there still other cases of infringing patent on COVID-19 vaccines in Versania after Versania's seizure of Arion's vaccines?
Apart from the application filed by Zanos against ANCOP's vaccines, which was subsequently accepted by the Intellectual Property Board (paragraph 14), no other claims alleging patent infringement of COVID-19 vaccines have been filed.
8. Were the patented inventions identified in the patent numbers given in Annexure II related or dependent patents?
Yes they were dependent patents.
9. Under what trademark ANCOP's vaccine was sold?
ANCOP's vaccines were sold under the trademark ANCOP VAX.
10. How did Ancop get access to Zancovac's vaccine formula?
No clarification needed.

Part VI: Questions regarding domestic law

1. Is the domestic IP law of Arion regarding the exclusive rights conferred by a patent and application to goods in transit *in pari materia* with / the same as the Versanian code on IP protection? [Annex 3]
The IP law of Arion *in pari materia* with the Versanian code on IP protection with regards to the exclusive rights conferred by patents. However, Arion does not have analogous provisions applying its IP rights to goods in transit.

2. Are there any constitutional requirements in Versania that are contrary to the destruction of goods that infringe IPRs?

No, there are no such constitutional provisions.

3. Has Versania enacted any domestic laws that implement TRIPS Agreement Article 31bis and the 2022 WTO Ministerial decision on the TRIPS Agreement? Could these international legal instruments be directly applied in Versania under its domestic legal system?

Versania has incorporated both Article 31bis of the TRIPS Agreement as well as the 2022 WTO Ministerial decision on the TRIPS Agreement in its domestic laws.

4. Has Arion made a binding commitment not to avail itself of the TRIPS decision dated 17 June 2022 (WT/L/1141)?

No, Arion has made no such commitment.

5. How does Intellectual Property Protection Law in Boutica regulate on border measures against goods infringing on an intellectual property right?

Boutica has incorporated the provisions of Part III, Section 4 of the TRIPS Agreement in its domestic laws.

6. Is “Versanian customs territory” as per Section 61.1 of the Versanian Code on Intellectual Property Protection (1995) to be interpreted so that it includes custom offices and other locations that *de jure* fall outside of the market of Versania or not?

No clarification needed.

7. Is the Intellectual Property Board a Judicial Body according to Versanian law? Could you clarify the limits of the Intellectual Property Board’s powers, for instance, the review procedure of its decisions, special guidance on decision-making as to border measure application? Does it have all the powers of an ordinary judicial authority?

The Intellectual Property Board is a judicial body. Further, there is a right to appeal a decision of the Intellectual Property Board before the High Courts in Versania.

8. Are there Chapters on copyright and/or trademarks under the Versanian Code on Intellectual Property Protection, 1995?

Yes, the Versanian Code on Intellectual Property Protection, 1995 has specific chapters on copyright and trademarks.

9. Does the “holder of intellectual property rights” under Versania Customs Act, 2006 constitute a holder of copyright, trademarks, and patents?

Yes.

10. Are the terms “transit” (Sec. 54) and “transshipment” (Sec. 61) of the Versanian Code on Intellectual Property Protection used interchangeably?

No clarification needed.

11. Has Versania applied similar enforcement measures under the Versanian Customs Act to patent infringing goods in international transit through its territory other than to Arion-originating vaccines?

No.

12. What are the defences to intellectual property infringement under the Versanian Code of Intellectual Property Protection?

No clarification needed.

13. Are there any dispositions concerning the exceptional circumstances under the Versanian code on Intellectual Property Protection of 1995?

No clarification needed.

14. Does Versania have criminal procedures in place against people who abuse intellectual property rights on a commercial scale?

Yes.

15. Were the Versanian Code on Intellectual Property Protection, 1995 and the Versania Customs Act, 2006 notified to the WTO?

Yes.

16. What is the relationship between the IP commissioner and the Intellectual Property Board of Versania?

The chair of the Intellectual Property Board is designated as the IP Commissioner.

17. What are the compulsory licensing rules in the Intellectual Property codes of the three countries, specifically, Versania?

All three countries have incorporated Articles 31 and 31bis of the TRIPS Agreement in their domestic laws.

18. What are the rules on Parallel Importation of the three countries?

All three countries have provisions prohibiting parallel importation.

Part VIII: Questions relating to WTO Ministerial Decision

1. What is the measure challenged by the complainant as being violative of Paragraph 3(c) of the 2022 Ministerial Decision?

No clarification needed.

2. Did Arion give notice to the WTO under Paragraph 5 of the Ministerial Decision when the Executive Order authorising the use of Zanos' patent was passed?

Yes, see paragraph 11 of case.

3. In what manner did the representative of Versania argue that the production of vaccines exceeds the necessity and, thus, falls out of the scope of the Ministerial Decision [para 18] ?

No clarification needed.

4. Regarding the 3rd issue of paragraph 19, "Versania would violate its obligations under paragraph 3(c) of the 2022 Ministerial Decision on the TRIPS Agreement." May we clarify if the reference to paragraph 3(c) of the Ministerial Decision is accurate?

Yes.

5. Whether the TRIPS Council responded to the Executive Orders issued by Arion and Boutica pursuant to Para 5 of the 2022 WTO Ministerial Decision on the TRIPS Agreement?

No, there was no response by the TRIPS Council.

6. Does the 2022 Ministerial Decision on the TRIPS Agreement have a binding effect?

No clarification needed.

Part IX: Questions regarding international law

1. Did Boutica provide notification to the Council for TRIPS, according to the Annex to the TRIPS Agreement Article 1(b), about the intention to use the system set out in Article 31 bis as "eligible importing Member"?
No, Boutica did not provide any such notification.
2. Are Boutica, Arion and Versania part of UNCLOS?
None of the countries are signatories to UNCLOS.
3. Are the parties members of the Paris Convention on Industrial property?
Yes
4. Are the parties members of any International Human Rights Conventions?
Both parties have signed and ratified the International Covenant on Economic, Social and Cultural Rights and International Covenant on Civil and Political Rights.

Part X: Questions regarding the countries and companies

1. Is Versania a developing country and/or eligible member under the 2022 Ministerial Decision on the TRIPS Agreement?
Versania is a developed country.
2. Are Arion and Boutica Least Developed Countries (LDCs),
No.
3. What is the percentage of the population vaccinated with single and double doses of the vaccination in Arion and Boutica?
In Arion, 89% of the population has received the first dose, and 85% of the population has received two doses. Further, 83% of the population identified as immune-compromised has also received the third dose. In Boutica, 85% of the population has received the first dose, while 80% of the population has received two doses. Further, 75% of the population identified as immune-compromised has also received the third dose. Despite differing vaccine uptakes, both Arion and Boutica have secured sufficient supplies of Zancovac to provide two doses to their entire population and an additional booster shot for the immunocompromised population. (see paragraphs 6 and 9 of the Case)
4. What is the exact population of Arion and Boutica?
Arion has a population of around 180 million people, whereas Boutica's population is approximately 70 million.
5. Have the 3 individual members ratified the TRIPS 31bis amendment of the TRIPS agreement?
Yes, all three countries have ratified the TRIPS Article 31bis amendment.
6. Have the 3 individual members accepted the Trade Facilitation Agreement?
No, neither Versania, nor Boutica, nor Arion accepted the Trade Facilitation Agreement.
7. What is considered "import" by Versania under the statement made by its representative?
No clarification needed.

8. Does Boutica purchase or accept the primary doses and additional doses of COVID-19 vaccines from other countries except for Arion? If so, have the COVID-19 infection levels in Boutica been reduced?

After the administration of Zancovac vaccines, and in combination with testing and isolation measures, COVID-19 cases had reduced significantly in Boutica by February 2022, and have further reduced since then. Boutica has not purchased any other vaccines except for Zancovac and ANCOP's vaccines.

9. Do Versanian and Boutican citizens have access to any booster vaccines ?

No clarification needed.

10. Does Zancovac have WHO emergency use listing?

Yes, Zancovac received WHO's emergency use listing.

11. Has there been any consideration provided by the private pharmaceuticals from Boutica to ANCOP Ltd?

Yes, the private pharmaceutical distributors in Boutica entered into purchase agreements with ANCOP for supply of COVID-19 vaccines at USD 15.5 per dose.

12. Are there any alternative trade routes available between Arion and Boutica, instead of utilizing Versania's ports?

No clarification needed.

13. Is the organisation of ANCOP Ltd., as a COVID-19 vaccine producer and research organisation recognised by the WHO? Given that the recognition of ANCOP Ltd by the WHO is not known, is the research published by ANCOP Ltd., validated by the WHO?

ANCOP has not yet applied for Emergency Use Listing for its COVID-19 vaccine. The WHO has not made any mention of (neither disagreeing nor endorsing) the study commissioned by the government of Arion and ANCOP in paragraph 7.

Part XI: Questions relating to trade relations between the countries

1. What was the amount/level of contribution by the Versanian and Arion government to the development and purchase of the Zanos vaccines respectively?

No clarification needed.

2. Is there a customs union between Versania and Arion?

No.

3. Is there an agreement (written or oral) between Arion and Versania for the transit of goods since all goods exported from Arion by shipment need to be transited through Versania, including for the purpose of export to Boutica? Is Boutica and Arion's historical close relationship accompanied by any treaties of relevance to trade?

There are no relevant treaties regarding transit between Arion and Versania, nor any relevant treaties regarding trade between Arion and Boutica.

4. Is there more information about the advance purchase agreements between Boutica and ANCOP? Which doses of vaccines were ordered by Boutica (i.e., how many 1st doses, 2nd doses etc.)?

There is no difference in formulation between primary doses and booster doses. Details about the number of doses ordered are provided in Annex II.

5. What are the types of doses ordered in the Executive Order issued by Arion, and how many vaccines per type, were ordered (i.e., how many 1st doses, 2nd doses etc.)?

There is no difference in formulation between primary doses and booster doses. Details about the number of doses ordered are provided in Annex II.

Part XII: Questions regarding scientific fact/evidence

1. What is the scientific evidence for the efficacy of the booster shots?

For evidence about the efficacy of Zancovac and ANCOP's vaccines, see paragraph 7.

2. What is the efficacy of the vaccine by Zanos and what is the efficacy of the vaccine by ANCOP?

See paragraph 7.

3. What was the development of the COVID-19-infection levels in Boutica during the period between the administration of Zancovac and the negotiations for the purchase of ANCOP's vaccines?

After the administration of Zancovac vaccines, and in combination with testing and isolation measures, COVID-19 cases had reduced significantly in Boutica by February 2022, and have further reduced since then.

4. What happened with the vaccines in the 15 days between their seizure and destruction?

The vaccines were stored in appropriate sanitary and temperature conditions at a storage unit maintained by the Versanian Customs Office.

5. On which date exactly was the study by Arion and ANCOP published?

27 June 2022.

6. Are there any other facts/studies published, except the study commissioned jointly by the government of Arion and ANCOP Ltd as of June 2022, which describe the significance of effect of periodic booster shots of COVID-19 vaccine on human health and medical system load level?

There are no other studies specifically about Zancovac or ANCOP's vaccines. However, students may choose to look at real-world studies about the effect of periodic booster shots.

7. Did any independent organizations adopt, endorse, or replicate the findings produced by the June 2022 study conducted by Arion & ANCOP Ltd?

No, the findings from the study conducted by Arion & ANCOP Ltd were not adopted, endorsed, or replicated by any independent organizations.

8. Whether the statistics of the COVID-19 pandemic in the case in congruence to its counterpart in the current world? And if the dispute brought before the court is in the backdrop of a similar situation of the pandemic during the latter.

Yes.

9. Who was commissioned by the government of Arion and ANCOP to conduct the study in para 7?

The study was carried out by a team of private academic researchers.

10. Does the study commissioned by Arion and ANCOP classify the two primary doses and the 3rd booster dose for the immune-compromised population (as categorized by Zanos) as essential for the prevention of death OR does it include the 3rd booster dose for the immune-compromised population within the “booster doses” that must be administered every 6 months for improving health and efficiency?

3rd booster shot for the immune-compromised population was needed to reduce the risk of severe disease by 95%.

11. Does ANCOP’s study conclude that Booster shots are necessary or are they merely recommended?

The study commissioned by the government of Arion and ANCOP showed that in order to completely eliminate the risk of asymptomatic and mildly symptomatic cases periodic booster shots for the entire population were needed every six months. However, two primary doses of the Zancovac COVID-19 vaccine (and a third booster shot for immuno-compromised populations) reduced risk of severe disease by 95% (paragraph 7).

12. By July 10th of 2022, how advanced was the research and development capacity of the pharmaceutical industry of Arion for the creation of novel vaccines?

No clarification needed.

Part XIII: Miscellaneous questions

1. Are teams allowed to use any WHO documents and considerations on the COVID pandemic, including the most recent recommended measures?

No clarification needed.

2. Concerning Versania and its hierarchy of rules regarding intellectual property, does the Versanian Code on Intellectual Property Protection prevail over international agreements and treaties such as TRIPS and, consequently, the Ministerial Decision on the TRIPS Agreement?

No clarification needed.

3. With respect to claim 3, what would be the consequences if the respondent refrains from arguing that it has imported the vaccines in transit?

No clarification needed.