



Suruhanjaya Persaingan
Competition Commission (MyCC)

The 2nd Moot Court Competition on Competition Law 2017
by Malaysia Competition Commission (MyCC)

OFFICIAL RULES

28 - 29 October 2017

**Ahmad Ibrahim Kulliyah of Laws (AIKOL), International Islamic
University (IIUM), Kuala Lumpur**

1.0 GENERAL

1.1 The **2nd Moot Court Competition on Competition Law 2017 (“MCCL2017”)** shall be conducted under the auspices of the **Malaysia Competition Commission (“MyCC”)**. The MCCL2017 shall be administered by MyCC and shall have the power to:

- 1.1.1 Co-opt members;
- 1.1.2 Appoint a Secretary and an Administrator, to administer the MCCL2017;
- 1.1.3 Appoint judges; and
- 1.1.4 Amend the rules as it thinks fit.

2.0 REGISTRATION

- 2.1 Participants shall submit by email the registration form to the MyCC at mccl@mycc.gov.my before **2.00 p.m. on 29 September 2017**.
- 2.2 The registration fee of **RM250.00 per team must be paid not later than 29 September 2017**. The bank account details are as follow:

Bank: CIMB Bank

Account No.: 8000905116

Account Name: Competition Commission

Payment Mode: Local order / Cash / Cheque

- 2.3 Institutions from public and private universities in Malaysia are allowed to register a maximum of **TWO (2) teams**.
- 2.4 Registration is completed upon the payment of registration fee. The **registration confirmation (with Team Code)** will be provided by the MyCC via email to the teams on **29 September 2017**.
- 2.5 Details of the contact person for each team must be provided in the registration form.
- 2.6 A maximum of **EIGHT (8) TEAMS** will be hosted this time. **The selection would be made on a first-come first-serve basis.**

3.0 THE COMPETITION STRUCTURE

- 3.1 In general, the MCCL2017 consists of: **Written pleadings (Memorials), and Oral pleadings (Oral Rounds).**
- 3.2 The Oral Rounds are further divided into 3 levels: **(1) Preliminary Rounds, (2) Semi-final Rounds, and (3) Final Rounds.**
- 3.3 A maximum of **EIGHT (8) TEAMS** will be hosted this time. **The selection would be made on a first-come first-serve basis.**

4.0 TEAMS

4.1 Eligibility

- 4.1.1 This Competition shall open to not more than **TWO (2) teams** from a participating institution in **Malaysia, both public and private universities.**
- 4.1.2 Each team from a participating institution shall consist of a minimum of **FOUR (4)** members and a maximum of **FIVE (5)** members per team.
- 4.1.3 **ONLY** members registered with the team shall be allowed to participate in the Competition.
- 4.1.4 Participants must be registered students and undergoing their first degree in law, economics or other related fields with the participating institution in the academic year 2017-2018.

***** Please note that the above rules shall be strictly followed. The MyCC may disqualify any team which fails to comply with these rules and the registration fee paid will be forfeited.*

4.2 Participation of team members

- 4.2.1 All members of the team may participate in the preparation of the Written Submissions.

- 4.2.2 Two members shall act for the Plaintiff and two members for the Defendant.
- 4.2.3 There may be a Bench Counsel sitting with either the counsel for the Plaintiff or the counsel for the Defendant.

5.0 MEMORIAL

- 5.1 Each team must submit **TWO (2)** written submissions; one for the Plaintiff and one for the Defendant.
 - 5.1.1 Both written submissions **must be submitted (in PDF Format)** by way of e-mail to mccl@mycc.gov.my before **5.00 p.m.** on **29 September 2017**. **Failure to comply with the deadline will result in a penalty on the scoring of the written submissions.** Both written submissions must be attached in a single email only, with the subject of the email being **“Written Submission for Team Code __”**.
 - 5.1.2 Each team shall submit **16 hard copies** of the written submissions for the plaintiff and for the defendant to the MyCC on **12 October 2017** by **11.00 a.m.** during the drawing of lots session.
- 5.2 Form, Length and Style
 - 5.2.1 All words shall be in font type **Arial size 12 except for footnotes which shall be in size 10**. The written submissions **must not exceed 15 pages** and the whole written submissions must be in **1.5 line spacing** including any statement of facts, arguments or discussions, prayers for relief and footnotes.

**** *Deduction of marks for exceeding the word limit shall be made according to the following categories:*

- i. 1-2 pages in excess - deduction of 5 marks*
- ii. 3-5 pages in excess - deduction of 10 marks*
- iii. 6-10 pages in excess - deduction of 20 marks*
- iv. More than 10 pages in excess - deduction of 30 marks*
- v. Improper submission - deduction of 5 marks*

5.2.2 Cover pages, tables of contents, indices, list of authorities or other materials that do not consist of facts, arguments or discussions do not count within the **15 pages limit**.

5.2.3 Citations must be footnoted and shall not be in the body of the text or in the endnotes. Citations should also be in a form that is legible to the reader of the Written Submissions.

5.2.4 Written Submissions must **be printed single sided on plain white A4 paper with black ink**.

5.2.5 The Written Submissions shall **be bound securely** so that it will be able to withstand physical handling throughout the moot competition. Written Submissions which are held together by rubber bands, lightweight staplers, paperclips, pins or other less secure means are considered as **improper submissions**.

5.3 Cover Page

5.3.1 The front cover of each Memorial must have the following information:

- (a) the Team Number in the upper right-hand corner followed by "A" for Appellant's Memorial or "R" for Respondent's Memorial (e.g., Team Code 123 would put "123A" in the top right hand corner of the front cover of the Appellant's Memorial);

- (b) the name of the Moot Court (e.g., “**MyCC Moot Court**”);
 - (i) the year of the MCCL;
 - (ii) the name of the case; and
 - (iii) the title of the document (i.e., "Memorial for the Appellant" or "Memorial for Respondent").

5.3.2 The hardcopies of the Written Submissions must bear a cover page in conformity with the following scheme:

Appellant - **Blue**
Respondent - **Red**

5.4 Revision of Written Submissions

5.4.1 No revision / alteration / amendment of the written submissions can be made once submitted.

5.5 Scoring of Written Submissions

5.5.1 A panel selected by the MyCC will evaluate the written submissions on the basis of the quality of analysis of the moot problem, the persuasiveness of the legal argument, the thoroughness of the research and the clarity of writing.

6.0 ORAL HEARING

6.1 Venue

6.1.1 The Preliminary Rounds, Semi-Final Rounds and the Final Round will be held at the **Ahmad Ibrahim Kulliyah of Laws, International Islamic University Malaysia.**

6.2 Preliminary Rounds

- 6.2.1 Each team will only present their arguments **two times** in the Preliminary Rounds; **one** for the Plaintiff and **one** for the Defendant inclusive of rebuttals and surrebuttals (subject to change).
- 6.2.2 The timetable for Preliminary Rounds will be distributed on **Friday, 6 October 2017** after determining the rounds of the competition.
- 6.2.3 The fixtures for the Preliminary Rounds shall be determined by way of draw of lots at the MyCC at **11.00 a.m.** on **12 October 2017. (Dress code: Formal attire)**
- 6.2.4 The Preliminary Rounds will commence at **9.30 a.m.** on **28 October 2017.**

6.3 Semi-Final Rounds

- 6.3.1 The fixtures for the Semi-Final Rounds shall be determined by way of draw of lots at **2.00 p.m.** on **28 October 2017.**
- 6.3.2 The **FOUR (4) TEAMS** that proceed to the Semi Final Rounds, as determined by the Rules, shall each argue only ONCE for the side allotted by draw of lots.
- 6.3.3 The highest ranked four (4) teams from the Preliminary Rounds, as determined by the Rules shall qualify for the Semi Final Rounds. In accordance with the ranks, the fixtures for Semi Finals shall be as follows:

Rank 1 v. Rank 3

Rank 2 v. Rank 4

However, these ranks will not be disclosed to the teams.

- 6.3.4 **TWO (2) TEAMS** shall qualify for the Final Round on a knock-out basis, i.e. the winner of each Semi Final Rounds shall qualify to the Final Round.

6.3.5 The semi-final rounds will commence at **2.30 p.m.** on the **28 October 2017**.

6.4 Final Round

6.4.1 The fixtures for the Final Round shall be determined by way of draw of lots at **4.00 p.m.** on **28 October 2017**.

6.4.2 The **TWO (2) TEAMS** that proceed to the Final Round, as determined by the Rules, shall each argue only ONCE inclusive of rebuttals and surrebuttals for the side allotted by draw of lots.

6.4.3 The team which wins in the Final Round shall be declared as the "Winning Team" and the other team shall be declared as the "Runners-Up Team".

6.4.4 The winner of the Final Round shall be determined on a knock-out basis.

6.4.5 The winner of the Final Round will win the "**MyCC Trophy**".

6.4.6 The final round will commence at **9.00 a.m.** on **29 October 2017**.

6.5 Duration of Presentation

6.5.1 The court language shall be English only.

6.5.2 The time limit of the oral presentation for each side (for the Appellant / for the Respondent) is **forty (40) minutes**. Another **five minutes** is allocated for rebuttal for both sides. It is up to the team to allocate how much time each counsel should speak. It is however advisable to divide the time evenly. The Lead Counsel from each team shall indicate how they intend to utilise the forty (40) minutes when making their appearance during the oral presentation.

6.5.3 A request for an extension of time based on acceptable grounds shall be made to the presiding judges, if needed. **There will be no automatic granting for an extension of time.**

6.5.4 It is the discretion of the judges to allow extension of time. No additional time can be requested or allocated for rebuttals.

6.5.5 For the entire duration of the Rounds, the teams shall not disclose their own individual identities nor the institutions that they present.

6.5.6 If a team scheduled to participate in the oral submissions of a round does not appear for ten (10) minutes after the scheduled commencement of such round, the other team shall have to make oral submissions *ex-parte*. The criteria of rebuttals shall not be considered for evaluation in such cases, in place of which, an average for the same would be given on the basis of the marks scored by such team on the other criteria.

6.6 Best Mooter

6.6.1 The participant with the highest score during the Preliminary Rounds of the competition will be the winner of the **Best Oralist** for the **Preliminary Rounds**.

6.6.2 The participant with the highest score in the Final Round will be the winner of the **Best Oralist** for the **Final Round**.

6.7 Written Submission

6.7.1 There will be an award for the best written submission of which scores will be based on the memorial scoring sheet. The scopes of oral submissions are not limited to the scope of the memorial.

6.7.2 Teams must strictly adhere to the issues put forth in the moot problem.

6.7.3 Unless allowed by the panel of judges, teams shall not depart from their respective written submissions.

6.7.4 ANY Written Submission and/or DEPARTURE from a Written Submission which to the unfettered discretion of the MyCC, is seen to cause undue difficulties to the MyCC to conduct the match-ups between teams; and/or render a match-up to be an ineffective moot shall NOT be allowed and any Written Submission which causes any one (1) or both of the above effects shall

warrant the team's disqualification or imposition of penalty at the MyCC's unfettered discretion. For the purposes of this clause, an ineffective moot shall mean a match-up where the parties take a stance in which their contentions do not clash with each other or any such stance which neutralizes, contradicts and/or defeats the essence of the dispute in the Proposition.

6.7.5 There shall be an exchange of memorial between the respective opposing teams, in accordance with the fixtures as determined by a draw lots, prior to all the rounds of the Competition. The teams are prohibited from making any copies of the exchanged memorial.

6.8 Judges

6.8.1 **THREE (3) judges** will preside in the Preliminary Rounds, Semi-Final Rounds as well as the Final Round.

6.8.2 Judges are requested to act during oral hearings as they would be in a normal hearing. A Judge shall be referred to as **“Mr./Madam President”** or **“Mr./Madam (name of the Judge)”**.

6.9 Order of Presentation

6.9.1 Lead-counsel for the Appellant

6.9.2 Co-counsel for the Appellant

6.9.3 Lead-counsel for the Respondent

6.9.4 Co-counsel for the Respondent

6.9.5 Rebuttals for the Appellant

6.9.6 Sur-rebuttals for the Respondent

6.10 Scoring

6.10.1 Scoring of the Preliminary Rounds shall consist of the scoring of Oral Rounds. Scoring for the Preliminary Rounds shall be calculated based on the team's performance during the Oral

Rounds. Teams will be ranked based on the number of wins and if there is a tie, the calculation will be done based on raw score.

6.10.2 For Preliminary Rounds, the team with the highest raw score will win the round.

6.10.3 For Semi-Final Rounds, the team with the highest round points will win the round. In the event of a tie, the team with the highest raw score will proceed to the Final Round. The same rule shall apply for the Final Round.

7.0 ASSISTANCE

7.1 The Written Submissions must be the team's own work. The Advisors should not be involved in the preparation of the Written Submissions.

7.2 Scouting is strictly not allowed during the competition.

7.3 Coaches accompanying the teams to the competition shall be academic members of the respective universities.

7.4 **Video recording in any manner whatsoever is strictly prohibited.** Only the MyCC will have the exclusive rights to record the hearings at any stage of the competition.

7.5 Any communications between any of the counsel with anyone from the gallery is **STRICTLY PROHIBITED**. Any such communications causing such disruptions shall warrant an imposition of a penalty at the sole and unfettered discretion of the MyCC.

8.0 AWARDS

8.1 Winner of the Moot Court Competition on Competition Law 2017

8.2 Runner-up of the Moot Court Competition on Competition Law 2017

8.3 Best Oralist in Preliminary Rounds

8.4 Best Oralist in Final Round

8.5 Best Overall Written Submission

9.0 PENALTIES

9.1 Late submission of written submission

Written submissions submitted later than **5.00 p.m. on 29 September 2017** will be **deducted two (2) marks on the first day of delay, with one (1) mark per day for every day thereafter, subject to maximum cumulative penalty of ten (10) marks.**

9.2 Other penalties

Any other imposition of penalties as provided in this Official Rules to be at the discretion of the MyCC shall be decided at the MyCC's sole unfettered discretion.

10.0 DISQUALIFICATION

10.1 The MyCC may disqualify:

- (a) Any team which fails to comply with the rules and regulations stated herein (unless may be remedied by imposing penalty); and/or
- (b) Any team which fails to promote and/or to encourage healthy competitions between the registered teams.

10.2 Scouting by the speakers, researchers or any other person affiliated with a team will lead to the immediate disqualification of such team.

11.0 INTERPRETATION OF THE RULES

11.1 Requests for interpretation of this Official Rules may be addressed to the Moot Director via email mccl@mycc.gov.my.

11.2 The interpretation of any specific terms and/or clauses in this Official Rules shall rest on the sole unfettered discretion of the Moot Director.

12.0 CLARIFICATION

- 12.1 Any request for clarifications can be submitted to the Moot Director via email mccl@mycc.gov.my. The request for clarifications deadline shall be submitted by **15 September 2017, 5.00 p.m.** and any request submitted after the deadline will not be entertained.
- 12.2 In the event that you do not receive any reply within SEVEN (7) days from the date of your email, kindly contact the MyCC (Tel: 03-22732277; email: mccl@mycc.gov.my).

13.0 COPYRIGHT

- 13.1 Once written submissions have been submitted, copyright shall vest in the MyCC.

14.0 FINALITY OF THE RULES AND REGULATIONS

- 14.1 These rules and regulations are final. All teams and participants are bound by these rules and regulations upon registration.
- 14.2 The MyCC reserves the right to amend these Official Rules. Notification of any changes will be made known to the teams via email.