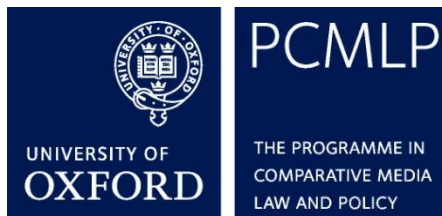


PRICE MEDIA LAW MOOT COURT COMPETITION

CLARIFICATIONS – SOUTH ASIA ROUNDS

2013/2014 COMPETITION YEAR



1. In paragraph 9 of the Case, the word “posted” is unclear as to whether Sang actually uploaded the voicemail or just posted describing about a voicemail he has obtained. Please clarify this.

A: Sang uploaded a sound file containing the actual voicemail itself, and did not merely describe the voicemail message.

2. What was the extent of “the appearance” made by Centiplex in Rho’s case against Sang as noted in paragraph 17?

A: Centiplex applied for and was granted leave to become a party in the case, for purposes of challenging the order against it.

3. Does the “initial transfer” envisaged in clause (c) of the 2013 Search Privacy Act (paragraph 19) have to be a “sale” as under the Act?

A: A search engine is only liable under the Act if it “sells” the relevant information. Once the search engine has transferred the information to another party, regardless of whether this transfer is a sale, that other party is not liable for any subsequent transfers of the information.

4. What efforts did Sang take to ensure the credibility of the voicemail that he received?

A: Sang did not undertake to verify anything about the voicemail or about his source's story concerning how the voicemail was obtained.

5. Is the Universal Court of Human Rights competent to rule on the validity of the 2013 Search Privacy Act?

A: The Universal Court of Human Rights is competent to rule on the validity of the 2013 Search Privacy Act under the Universal Declaration of Human Rights. The validity of the Act under Mhuganian law has been conclusively determined by the Mhugan Supreme Court and is not before this Court.

6. As the Universal Court of Human Rights is a fictitious forum, under which instrument will the procedure of the court be determined? Can we assume that the procedure is like that of the International Court of Justice governed by the ICJ Statute?

A: The procedures of the fictitious Universal Court of Human Rights are not relevant to the Case, except insofar as they have been specified in the Competition Rules.

7. Can other laws like the law of contracts be used in course of the arguments or do the arguments have to be confined to the law of human rights?

A: While the law of contracts may be relevant to your arguments, your arguments should ultimately be grounded in rights enshrined in the Universal Declaration of Human Rights, as stated in the Competition Rules.

8. With regard to the search engine order under the Wiretap Act as per paragraph 15 of the Competition Case, does the effect of deindexation of the search results on the first page imply a cascading effect of the search results on the second page (that it would move to the first page) thereby leading to the deindexation of the same?

A: The law does not specify how the search engine should comply with the order. It would violate the order, however, to replace one search result that is prohibited from appearing on the first page of search results with another such prohibited search result.

9. Whether the Centiplex search engine was the major source of revenue (by means of advertisement support or otherwise) of Centiplex?

A: Centiplex derives approximately 40% of its revenues from its search engine and related search products.

10. Whether the statement “Boycott Rho and don’t even . . .” (paragraph 9) and subsequent calls to boycott Rho’s music had any actual effect on Rho’s reputation and revenue?

A: The effect of this controversy on Rho’s reputation is unknown. Rho asserts that Sang’s postings have negatively affected sales of his music, but this claim has not been independently verified.

11. Whether the material posted by Sang regarding the rumours about Rho (paragraph 12) is still online?

A: The relevant materials are still available on Sang’s blog.

12. Whether the Search Privacy Act which is to be implemented from May 2014 has any retrospective implication?

A: The Search Privacy Act applies only prospectively to search queries made on or after the May 1, 2014 effective date.

13. Had the voicemail already been read by Aklamit before it was accessed by John Doe?

A: Aklamit had not yet accessed the voicemail when it was accessed and copied by Sang’s source.

14. What algorithm does Centiplex use for indexing the pages for its search engine? (Is it a link analysis algorithm (page rank algorithm as termed by Google) or a keyword based system?)

A: Centiplex does not disclose the algorithms it uses, and it claims such information to be a trade secret.