

2016 HAROLD G. FOX MOOT

CLARIFICATIONS TO THE MOOT PROBLEM

December 4, 2015

The following clarifications are provided in response to the questions for clarification submitted to the IP Moot Committee:

1. As per paragraph 2 of the Trial Court's decision, 50 Shades of Green was created by Phibian before the CFA requested a drawing from her.
2. In paragraph 14 of the Trial Court's decision, "there were virtually no comments" means "there were no comments".
3. Phibian's ownership of 50 Shades of Green is not in issue.
4. The CFA's Switch and Bait program is legal.
5. The issue of remedies should not be addressed. The Trial Court and Appeal decisions deal only with liability.
6. As per paragraph 17 of the Trial Court's decision, Phibian objected to the use of her work in association with the Switch and Bait program at the time the program was launched.
7. The licence referred to in paragraph 4 of the Trial Court's decision did not include a waiver of moral rights.
8. The CFA gave the Bait and Switch program its name.
9. Phibian has claimed moral rights infringement in the use of both 50 Shades of Green and the "New Frog".