

2023-2024 Fox Moot Clarification Questions

1. **In paragraph 15 the problem says, “the price (of the NFTs) escalated from the tens to thousands of dollars”. Who sets the price of the NFTs and in particular did Mr. Paradis set the price at "tens to thousands of dollars"? Additionally, is Mr. Paradis setting a price in line with market prices for NFTs as described in paragraph 15?**

Mr. Paradis set the initial price. Price escalation into the thousands of dollars occurred on the resale market.

2. **In paragraph 15 the problem says Mr. Paradis "dropped" the NFTs. Does the term “dropped” mean Mr. Paradis published the NFTs and made them available for purchase on the website?**

The term “dropped” means initially released for sale by Mr. Paradis.

3. **Is the use of the word “brand” at the end of paragraph 9 of the Appeal Decision intentional, or should it read “mark”?**

The language used in paragraph 9 of the Appeal Decision is correct.

4. **Does Furrari sell products beyond their trapper hats? If so, do any other products bear the Otter Design?**

As implied at paragraph 4 of the Trial Decision, Furrari sells fur-products beyond their trapper hat. The evidentiary record at trial did not include any further details.

5. **At para.13 of the trial court decision, the trial judge explains that Mr. Paradis wrote to the Antifur executives to advise them of his plan to use the website to fundraise on behalf of Antifur. Did Mr. Paradis specifically explain that he would be selling NFTs to fundraise, or did he only state fundraising generally, without providing details as to how the fundraising would take place?**

The evidentiary record at trial did not include these details. The correspondence was not filed as evidence at trial.

6. **What is the relative size of the dead otter mark within the crest on the hat that is being worn by the animals that are depicted on the NFTs (is it small and difficult to notice, or is it prominent and stands out as a central feature of the NFT artwork)?**

As stated at paragraph 14 of the Trial Decision, the Dead Otter Design is prominently featured.

7. **What are the renewal dates of the trademarks?**

The renewal dates were not addressed in the evidentiary record. It can be assumed that the trademarks are valid.

8. **Are "fur hats" the full extent of the classification behind the registered marks?**

As indicated at paragraph 6 of the Trial Decision, Furrari's “Otter Design” trademark is registered in association with “fur hats”. As indicated at paragraph 9 of the Trial Decision, Antifur's “Dead Otter Design” trademark is registered in association with “services associated with animal conservation, advocacy and education”.