

CLARIFICATIONS TO THE HAROLD G. FOX MOOT PROBLEM

The Harold G. Fox Moot Committee has received eight (8) questions relating to the Harold G. Fox Moot Problem. The Committee provides the following answers to the questions raised:

1. In paragraph 2 of the judgment of Cripps J. there is a typographical error.
 - a. The third sentence currently reads as follows – “Touring was excited by the idea came up with his own idea of adding a daily news update section to the homepage of MontiesTavern.com.”
 - b. The third sentence ought to read as follows – “Touring was excited by the idea and came up with his own idea of adding a daily news update section to the homepage of MontiesTavern.com.
2. In paragraph 3 of the judgment of Cripps J. the statement that “You’ve got 10% of the company, Touring”... [followed by the fact that] Touring received notification by mail that he was an owner of 10 shares in MontiesTavern.com Inc.” is qualified as follows:
 - a. Ten (10) shares equals ten percent (10%) of the total shares of MontiesTavern.com Inc..
 - b. At the time that Stiles made his statement to Touring, Stiles was the sole owner of the shares in MontiesTavern.com Inc and he was, and remains, its sole director.
3. In paragraph 5 of the judgment of Cripps J, where an example of the Family Compact news story is set out, it should be assumed that only the source of the news article is given and not the author.
4. In paragraph 10 of the judgment of Cripps J. it should be assumed that Touring was hired by Wolf News as an employee, and not under a contract for services.
5. The links provided in paragraphs 5 and 10 of the Moot Problem should be assumed to link to the home page of the CanadaNationalMail.com website. The full article that is extracted can be reached directly from that home page.
6. In paragraph 5 of the Court of Appeal’s judgment, the statement by Fisher J. that “[t]here is no dispute that Wolf News LLC is the owner of copyright in news stories on www.CanadaNationalMail.com, such as the Seatbelt Blitz article referred to by the Court below” is qualified as follows:
 - a. Wolf News LLC is the owner of all economic rights and interests for the news stories in the Moot Problem.
 - b. All of the authors for Wolf News LLC have waived their moral rights with respect to their works.
7. The claim(s) in passing off should be assumed to be common law passing off claim(s), and not statutory passing off.
8. A question has been raised regarding the interpretation of Rule 1.1 c) which states that “The Competition shall take place in the English language”. Specifically, the petitioner had inquired whether the rule prohibited the use of the French versions of statutes in written submissions. To resolve any uncertainty, for the purposes of the 2008-2009 Competition, there should be no reference to the French-language versions of applicable statutes.