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**11<sup>th</sup> LAWASIA** International Moot  
ADDITIONAL CLARIFICATIONS TO THE MOOT  
PROBLEM

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# ADDITIONAL CLARIFICATIONS

## CORRECTION

Correction to the Answer to Question 13 of the earlier Clarifications:-

Question 13: Is the Respondent still distributing their products in particular the Sailor's Ceylon, in Malaysia as of 20 October 2013

**Answer: Yes**

## CLARIFICATIONS

The answers to the questions raised<sup>1</sup> by a few institutions for additional clarifications are as follows:-

Question 1: Where exactly in Sri Lanka did CTC plant its tea?

**Answer: In the Kandy District located in the Central Province.**

Question 2: Where did ATC get their source of tea products before contracting with CTC?

**Answer: ATC had existing sources in Malaysia and China.**

Question 3: Does ATC sell other kinds of goods except [sic] tea products?

**Answer: No.**

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<sup>1</sup> Kindly note that not all questions raised are answered here as some of the questions raised relate to issues that are to be addressed during the moot. Questions are reproduced here in the format of how it was submitted.

Question 4: Did ATC manufacture its tea products in accordance with the requirements of Ceylon tea? Did ATC declared [sic] its tea products as Ceylon tea when advertising?

**Answer: ATC did not manufacture its tea products in accordance with the requirements set out by the Sri Lankan Tea Board. ATC had never declared any of its tea products as Ceylon tea in its advertisements.**

Question 5: Had ATC used [sic] the word "Ceylon" on its tea products before 2008?

**Answer: No.**

Question 6: Is it indicated on ATC's packaging that it was made in Malaysia, and if so, how was this indicated?

**Answer: All ATC's tea products contain the following line on their packaging:**  
*"Manufactured and packed to the highest standards by Almond Tea Company in [country of origin] using the finest imported and local ingredients."*

Question 7: How many companies suffered from the fungal disease? What was the severity of its influence on ATC? Would ATC be on the verge of bankruptcy if they had not entered into the agreement?

**Answer: Information on the number of companies which have suffered due to the fungal disease is not available. Quantifiable information on the severity of the influence on ATC is not available, but it was severe enough for Philip Chan to reconsider Ranatunga's offer. ATC would not have been on the verge of bankruptcy.**

Question 8: Was it stated on the labeling [sic] of CTC Ceylon that ATC is the distributor of the product in Malaysia?

**Answer: Yes.**

Question 9: Is the Respondent still distributing SAILOR'S CEYLON in countries other than Malaysia for the year 2012-2015? If yes, please specify all.

**Answer: Yes, in China, Japan, Bangladesh, Nepal, India, Pakistan, Singapore, Thailand, Indonesia, Philippines, Cambodia, Vietnam, Germany, and the United Kingdom.**

Question 10: How exactly did CTC come to know that ATC is manufacturing tea in China?

**Answer: An employee of CTC saw the product in a Malaysian supermarket, and CTC decided to launch further investigations into the people behind Sailor's Ceylon.**

Question 11: In paragraph 14 of the Moot Problem, it is stated ATC distributed tea products under the brand name "SAILOR'S CEYLON". Was there a specific product name used in conjunction with this brand name?

**Answer: Yes. There is a range of black tea products. For instance, examples of SAILOR'S CEYLON's black tea products are Earl Grey tea and English Breakfast tea.**

Question 12: Which part of China did ATC manufacture its tea?

**Answer: In the Fujian Province.**

Question 13: What was about the tea [sic] that ATC grew and manufactured in China between 2009 and 2012? Where was it distributed?

**Answer: ATC manufactured black tea in China. The products were marketed in most Asian countries, in Germany, and in the United Kingdom. Its main market is the Southeast Asian market.**

Question 14: Did ATC use any seeds other than those that originated from Sri Lanka when planting SAILOR'S CEYLON in China?

**Answer: No.**

Question 15: What type of Ceylon tea, specifically, does CTC and ATC manufacture?

**Answer: CTC manufactures Ceylon tea in accordance with the standards set by the Sri Lankan Tea Board. ATC manufactures black tea.**

Question 16: Is ATC selling any other type of tea in Malaysia for the period 2013 to 2014?

**Answer: Yes, ATC also markets its green tea and white tea in Malaysia under different brand names.**

Question 17: What is the price of CTC's Ceylon Tea and ATC's SAILOR'S CEYLON respectively?

**Answer: The recommended retail prices of the CTC CEYLON and SAILOR'S CEYLON are similar, with the range of SAILOR'S CEYLON products typically priced RM1 - RM2 lower than CTC CEYLON in Malaysia. For example, a box of 10 tea bags of CTC CEYLON would typically cost RM 25, whereas a box of 10 tea bags of SAILOR'S CEYLON would cost RM24.**

Question 18: In terms of quality, are the teas manufactured by ATC the same as CTC?

**Answer: This is subjective and ultimately depends on personal taste.**

Question 19: Are all tea products labeled [sic] by country of origin?

**Answer: The countries of origin of the tea leaves are stated on the packaging of all ATC and CTC's products in fine print, together with information of their respective importers, packers, and/or distributors.**

Question 20: How are the Lion Logo and ATC's Mark affixed on the packaging of their respective products?

**Answer:** The Lion Logo and the ATC Mark are respectively affixed on the sides of the boxes, usually above the information of importers, packers, and/or distributors.

Question 21: What were the sizes of the ATC's mark and Lion Logo on the respective products?

**Answer:** Both the ATC Mark and Lion Logo do not take up huge spaces on their respective packaging. For example, they typically do not exceed 4 cm<sup>2</sup> in size on a 100 cm<sup>2</sup> surface.

Question 22: What are the distribution channels for both ATC and CTC?

**Answer:** Products of ATC and CTC are both made available to end consumers through intermediaries such as wholesalers, retailers, and food and beverage establishments.

Question 23: What sort of retail outlets carried the tea products of ATC and CTC - e.g. Was it predominantly sold in supermarkets?

**Answer:** ATC and CTC's products are widely available in major supermarkets and grocery stores. They are also served in some cafes and restaurants.

Question 24: What are the market share proportions of tea products of ATC and CTC separately in Malaysia between 2009 and 2013?

**Answer:** The proportion of market share of CTC's tea products (which were under ATC's distributorship) is believed to be equal to the market share of ATC's own products in 2009 - 2013. When combined, they made up approximately 30% of the tea products sold in Malaysia.

Question 25: Whether there are some differences between the distribution channels of ATC's and CTC's tea products?

**Answer:** No, products of ATC and CTC are both made available to end consumers through intermediaries such as wholesalers, retailers, and food and beverage establishments.

Question 26: What were the mode of communication and the mode of delivery of the communication, between ATC and CTC, as per the moot problem, paragraph 15, line 2 and line 3?

**Answer:** The communication was done via email.

Question 27: Did the parties give reasons for the place of arbitration to be Colombo, Sri Lanka?

**Answer:** No.

---End of Additional Clarifications---