

CLARIFICATIONS

1. Whether the participants have the liberty to include other provisions of GATT, GATS or other agreements to the issues?

NO RESPONSE REQUIRED

2. Will there be an application of laws except for GATT and GATS?

NO RESPONSE REQUIRED

3. In **point 15** it says- Baranduin has a robust internal data protection philosophy- so instead of Baranduin should it be B-Connected?

Response: Yes. The relevant sentence in paragraph 15 of the moot problem should be read as: “~~Baranduin~~ *B-Connected* has a robust internal data protection philosophy.”

4. Whether Baranduin is sharing any border with the territory of Anduin?

NO RESPONSE REQUIRED

5. What is the geographical location of the demarcated zones in the territory of Anduin? Did any of the attack sites have a nearby demarcated zone?

NO RESPONSE REQUIRED

6. Were refugees of both Endor and Baranduin living in the demarcated zone of Anduin and were they a part of the NLG?

NO RESPONSE REQUIRED

7. Whether "Baranduin" in Para 17 actually refers to refugees from "Endor"?

Response: Yes. The relevant sentence in paragraph 17 should be read as: “In 2017, within the first week of assuming his position, the newly elected Minister of Information and Technology demanded that *B-Connected* share all data of refugees from ~~Baranduin~~ Endor that were in Anduin for a proposed refugee surveillance project that the government had planned to implement.”

8. In para 17 of the moot problem - “all data of refugee from Baranduin” whether it is a typographical error in the proposition or there are refugees from Baranduin too?

Response: Please see response to Question 7.

9. In paragraph 17, the factsheet mentions "refugees from Baranduin". Should it be "refugees" from Endor"?

Response: Please see response to Question 7.

10. Does the statement “Anduin is a large, economically prosperous” mentioned in paragraph 1 of the moot problem country denotes whether it is a developed or a developing country member of the WTO?

Response: For the purpose of this moot problem, Anduin can be considered as a developed economy within the context of the WTO.

11. Was the hot and arid region of Anduin less developed?

NO RESPONSE REQUIRED

12. Which version of the United Nations Central Product Classification (UN CPC) has been followed by Anduin with respect to the schedules of specific commitments?

Response: Kindly refer to the following documents only:

- a. WTO, Services Sectoral Classification List, MTN.GNS/W/120, 10 July 1991.
- b. UN CPC (Prov.), available at:
https://www.wto.org/english/tratop_e/serv_e/cpc_provisional_complete_e.pdf

13. Which of the Guidelines for the Scheduling of Specific Commitments under the General Agreement on Trade in Services, from the year 1993 or 2001 with respect to the Annex 1 and Annex 2 of the Moot Problem?

Response: Kindly refer to the following document:

- a. GATT, Scheduling of Initial Commitments in Trade in Services: Explanatory Note, MTN.GNS/W/164, 3 September 1993, available at:
https://www.wto.org/gatt_docs/English/SULPDF/92140039.pdf

14. Is there any difference between data centre and data farm for purpose of this moot?

Response: Data farms are a collection of data centres in a specified geographical area.

15. Were only Foreign social media firms required to provide their source code to the Anduin Government or the same scheme was applicable to the Domestic social media firms?

NO RESPONSE REQUIRED

16. The sole criteria for getting land in colder region was based on participation in notification no 21/2019 or there were other means to it?

Response: As per paragraph 28 of the moot problem, the criteria to be provided land to build data centres was contained in Notification No. 21/2019.

17. Does Let's talk use technology equipment of Anduin (it's home country) for its data centre?

NO RESPONSE REQUIRED

18. What were the other similar policies like KYC suggested by B-Connected in para 25?

NO RESPONSE REQUIRED

19. What functions were carried out by the local office of B-Connected situated in Anduin?

Response: Kindly refer to paragraph 17 of the moot problem. The moot problem remains silent on any additional information relating to the functions carried out by the local office of *B-Connected*.

20. Court of which country has the jurisdiction to try the local office?

NO RESPONSE REQUIRED

21. Were only the Foreign Social media firms required to provide source code to Anduin Government?

NO RESPONSE REQUIRED

22. Regarding Anduin's requirement of sharing source code, does such requirement apply to both domestic and foreign social media firms or only foreign social media firms?

NO RESPONSE REQUIRED

23. Regarding the last claim related to Article III:4 of the GATT, does the scope of the Question intend for a discussion of unfair treatment between "foreign and domestic equipment producers", or between "data centers using at least 50% of domestic tech equipment and data centers that do not"? Or both?

NO RESPONSE REQUIRED

24. In paragraph 22, the factsheet mentions "Subscribers could also avail the voice and video calling feature offered through WhatsUp". Is this "availing" free of cost or with minimal cost or under any other circumstances?

NO RESPONSE REQUIRED

25. In paragraph 28, the factsheet mentions "All other data centres which were to be provided land in the hot climate". How many other data centres were there and how many of them belonged to social media platforms? Additionally, how many of them were foreign owned and domestically owned?

NO RESPONSE REQUIRED

26. Whether the software of B-Connected was a Proprietary Software or an Open Source Software.

Response: The software of B-Connected is not Open Source Software.

27. Whether the service of B-Connected will fall under Cross border supply or commercial presence?

NO RESPONSE REQUIRED.

28. Will GPA play any role?

NO RESPONSE REQUIRED

29. In paragraph 31 of the moot problem, the phrase “participation in the scheme was mandatory” is used for whom? For whom is this participation mandatory - refugees or for social media platform?

Response: Paragraphs 30 and 31 of the moot problem suggest that participation is mandatory for refugees and social media platforms.

30. Would data servers required to be set up by social media companies in Anduin be owned and controlled by government?

NO RESPONSE REQUIRED

31. Can government access personal sensitive data of users in Anduin especially the refugees at its will?

NO RESPONSE REQUIRED

32. When did B-connected started business in Anduin and when did Let’s talk started business in Anduin?

Response:

Please refer to paragraph 21 of the moot problem which discusses the release of *Let’s Talk* in Anduin.

Please refer to paragraph 17 of the moot problem to see when *B-Connected* established its local office in Anduin. While the moot problem remains silent regarding the year/date *B-Connected* started providing its services in Anduin, it can be reasonably assumed that *B-Connected* was providing its services since *atleast* 2017.

33. Were there any other social media platforms except B-connected when Let’s talk was launched in Anduin?

NO RESPONSE REQUIRED

34. Whether Let's talk has its domain limited to Anduin or it has its reach in other countries as well like B-connected?

NO RESPONSE REQUIRED

35. What are the formalities of becoming a registered member of Let's Talk?

Response: There are no specific formalities to register as a member of *Let's Talk*. A new member can sign up in a manner that is similar to the process of signing up for *B-Connected* (see, paragraph 14 of the moot problem).

36. What type of governmental system is present in Anduin and Baranduin? (federalism/unitary/ quasi-federal)

NO RESPONSE REQUIRED

37. Who is the author of the statement "sovereignty of a country is paramount" in Para 8? Was such statement said by government officials or is it just the national sentiment of the citizens Baranduin?

Response: The statement is attributed to the Government of Baranduin.

38. Does Let's Talk have any feature which allows for private conversation or all the conversations or posts are public and visible to everyone?

NO RESPONSE REQUIRED

39. Are there any other major social media platforms in Anduin that allows users to do private conversation through internal messaging system? If yes, how many of those are domestic companies?

NO RESPONSE REQUIRED

40. Whether the statistics given in paragraph 6 was released by Anduin government or by any other source?

Response: Statistics provided in paragraph 6 of the moot problem are released by the Government of Anduin.

41. Under Social Credit Plan, would Anduin Government be having access to data of all refugees at all times, or Government would have to specifically ask for the relevant data?

Response: In furtherance of the Social Credit Plan, the Government of Anduin can have access to certain types of data that it deems fit to make an assessment of "social standing" of refugees.

42. In paragraph 30 of the moot problem, some infractions resulting in bad score in social credit scheme include “activities on social media”, please clarify the scope of these activities or would this include every action on social media?

NO RESPONSE REQUIRED

43. When was the Social Credit Plan introduced?

Response: The Social Credit Plan was announced in November 2019. See paragraphs 30 and 31 of the moot problem.

44. Was the Social Credit Plan introduced before or after the official notification related to electricity and land rules?

Response: The notifications relating to electricity and land rules were released prior to the announcement of the Social Credit Plan, which took place in November 2019.

45. When was Let’s Talk established? Whether Let’s Talk was established before the plan was rolled out?

NO RESPONSE REQUIRED

46. Does Anduin provide money to B-Connected for procurement of data for the Social Credit Plan?

Response: No.

47. Is Social Credit Plan mandatory for all refugees? Or, can they opt out of this integration cum citizenship granting Plan?

Response: The Social Credit Plan is mandatorily rolled out in all the demarcated zones. See paragraph 30 of the moot problem.

48. Whether the 24 people arrested for the terrorist attack (para 11) were the same as identified with the help of the algorithm (Para 18)?

Response: Facts of the moot problem seem to indicate that there is a high likelihood that the 24 persons that were arrested were identified based on assistance offered by *B-Connected* engineers, as stated in paragraph 18.

49. Has NLG been declared as a terrorist organisation or banned in Anduin?

NO RESPONSE REQUIRED

50. Did the consultations fail, and have they requested for constitution of a panel for hearing the case? Or is this only a consultation?

Response: WTO DSB Consultations between the Anduin and Baranduin have failed and a panel has been established and composed to decide on the matter with standard terms of reference under the DSU.

51. Has the time frame of the consultation between Baranduin and Anduin has expired? If yes, then has Baranduin made a prior formal request to the DSB for the establishment of the Panel?

Response: See response to Question 50.

52. Was the case between Anduin and Berenduin at the consultations stage was succesful if not was panel formed?

Response: See response to Question 50.

53. Are the consultations between the Anduin and Baranduin for the current case over?

Response: See response to Question 50.

54. Whether the consultations between Anduin and Baranduin failed?

Response: See response to Question 50.

55. Is the numbering which represents the mode of supply wrong in the schedule of specific commitment for "Computer Related Services"?

Response: Yes. Kindly see revised Annex II.

56. Whether there is a typo in the numbering of modes of supply under the "limitation on market access" column in the schedule of specific commitments (Annexe 2)?

Response: Yes. Kindly see revised Annexes.

57. In **Annex 2** under 'Limitations on Market Access' is the numbering wrong?

Response: Yes. Kindly see revised Annexes.

58. With respect to the table of Anduin's schedule of specific commitments of computer and related service on page 15 the column relating to limitations on market access is numbered as 1, 1, 2, 3 however the column on national treatment reads 1, 2, 3, 4. We feel that the column on national treatment should also be numbered as 1,2,3,4. Kindly issue a clarification in this regard.

Response: Yes. Kindly see revised Annexes.

59. In para 35, the problem mentions national treatment obligations under Article XVI. However, Article XVII deals with national treatment. Clarity on this would be appreciated.

Response: Kindly read paragraph as follows:

35. Acting on *B-Connected's* request, Baranduin requested for consultations with Anduin at the WTO. Baranduin claimed that imposing data localization requirements under the Social Media Regulations Act violated Anduin's ~~national treatment~~ market access obligations under Article XVI (1) of the GATS relating to CPC 7523 under the General Agreement on Trade in Services ("GATS"). Further, Baranduin contended that the requirement to share source code with Anduin in accordance with the Social Credit Plan was in violation of Article XVII (1) of the GATS. Moreover, the reduction of annual electricity bills by 5% and land allocation policy *vide* Notification No. 21/2019 constituted treatment that was less favourable to foreign producers as compared to domestic producers of "equipment for data centres" according to Article III:4 of the General Agreement on Tariffs and Trade ("GATT").

60. In para 34, Is the requirement to provide source code a market access commitment or national treatment obligation violation?

Response: National Treatment violation.

61. Line 2 in para 35 reads as "imposing data localisation requirements under the Social Media Regulation Act violated Anduin's national treatment obligation under Article XVI(1) of GATS relating to CPC 7523 under the GATS." Article XVI(1) of GATS actually deals with market access and not national treatment. national treatment is dealt with in Article XVII of GATS.

Response: Please see response to Question 59.

62. On page no. 11 ¶35 it reads as data localisation requirements violated Anduin's national treatment obligations under Article XVI (1) of the GATS however isn't it should be violation of market access under Article XVI (1) of the GATS?

Response: Please see response to Question 59.

63. There has been a typo regarding issue 1 that says "national treatment obligations under Article XVI". This is incorrect as it falls under Article XVII.

Response: Please see response to Question 59.

64. In **point 35** it says- National treatment obligations under Article XVI (1) of the GATS. Shouldn't it be 'Market access obligations' instead of National treatment as Article XVI in GATS deals with Market Access and Article XVII talks about National treatment in GATS.

Response: Please see response to Question 59.

65. Did Let's talk have a data centre in Anduin before the Social Media Regulation Act?

NO RESPONSE REQUIRED

66. When did B-Connect set up operations in Anduin (Ref: Para 17); did it have its own office even before the Social Media Regulation Act?

Response: Yes, *B-Connected* had its office in Anduin prior to the Social Media Regulation Act.

67. Did any of the Social Media platforms have a data centre in Anduin before the Social Media Regulation Act?

NO RESPONSE REQUIRED

68. What is the scope of “all data” used in paragraph 17 of the moot problem, and “all types of data” used in Section 3 of Social Media Regulation Act? Does it include both metadata and actual content?

Response: “All data” in paragraph 17 and “all types of data” are the same. This includes metadata and actual content, where applicable.

69. On page 8 of the Moot Problem, inside the box which contains the Social Media Regulation Act under sec. 8, it specifically mentions the term '**family of companies**'. What does this actually mean in the context of the respective section?

Response: Yes.

70. Under Section 8 of the Social Media Regulations Act, what is the scope of the term "family of companies"?

Response: Kindly refer to the ordinary meaning of the term “family of companies”.

71. What do you mean by ‘family of companies’ as mentioned under the paragraph 26 of the moot problem?

Response: Please see response to Question 70.

72. What is the meaning of family of companies in the Social Media Regulation Act?

Response: Please see response to Question 70.

73. Under Section 5 of the Social Media Regulations Act, what are the exceptional circumstances under which data can be taken out of the country with government's discretionary approval?

NO RESPONSE REQUIRED

74. What was the impact of Social Media Regulation Act? Did it achieve its objective of maintaining public order and protecting national security?

NO RESPONSE REQUIRED.

75. When was the Social Media Regulation Act passed?

Response: The Social Media Regulation Act was passed in 2019.

76. Social Media Regulation Act came in which year?

Response: See response to Question 75.

77. What was the date when Social Media Regulation Act came into force in Anduin?

Response: See response to Question 75.

78. In which month exactly Notification no. 21/2019 was notified?

NO RESPONSE REQUIRED

79. From which date did the Official Notification No. 21/2019 become applicable?

NO RESPONSE REQUIRED

80. Do all the official notifications fall under Social Media Regulation Act?

Response: All notifications in the moot problem are connected with the Social Media Regulation Act.

81. How is CPC 7523 connected to the Annexures 1 and 2?

Response: Annex I contains the schedule of commitments under CPC 7523.

82. The difference between Annexures 1 and 2?

Response: Annexure I relates to “Telecommunication Service”. Annexure II relates to “Computer and Related Service”.

83. The list of services mentioned in Annexures are exhaustive or inclusive?

Response: The list of services mentioned in the Annexure is exhaustive for the purposes of this moot problem.

84. General Radol, who had military units under him, was from which country?

Response: General Radol is from Endor.

85. From which country did General Radol belong to?

Response: See response to Question 85.

86. Whether General Radolf is from Endor?

Response: See response to Question 85.

87. Whether General Radol holds any governmental position in Endor? Whether any sort of emergency is declared in Endor?

Response: See response to Question 85.

88. Are Anduin and Baranduin signatories to *Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP)*?

NO RESPONSE REQUIRED

89. Are Baranduin and Endor signatories to the WTO Government Procurement Agreement?

Response: No.

90. Is Anduin not signatory to both original and revised Government Procurement Agreement?

Response: No.

91. Is Baranduin party to Government Procurement Agreement?

Response: No.

92. Whether Baranduin is a signatory of the WTO Government Procurement Agreement?

Response: No.

93. To which international human rights agreements Anduin is a party?

NO RESPONSE REQUIRED

94. Are Anduin and Baranduin party to Vienna Convention on Law of Treaties?

NO RESPONSE REQUIRED

95. Are we allowed to refer other international agreements like Refugee Convention in support of our arguments?

NO RESPONSE REQUIRED

96. Does "signatory" (p.1) mean ratification?

NO RESPONSE REQUIRED

