

COMPROMIS

Valenezia is a sovereign republic situated deep in the middle of the Antarctic Ocean. Owing to its geographical location, the country does not have easy access to other parts of the world and has been unable to maintain economic or business relations with the rest of the world. On account of its historical isolation, the citizens of Valenezia have adapted and become self-sufficient and self-sustained in all fields of technology and development.

Over the years, the citizens of Valenezia have developed unique and highly – effective healing techniques and as a result, Valenezia is practically a disease – free country. The techniques are passed on from generation to generation by word of mouth and have been further reduced to writing in the form of manuscripts that can only be deciphered by the people of Valenezia.

Time and again, Valenezia has been approached by the World Health Organization and other countries around the world for sharing their knowledge-healing techniques and manuscripts in exchange of more than adequate consideration to Valenezia. However, Valenezia, keeping with its tradition of isolation and self-sufficiency, has emphatically refused to enter into any negotiations with these entities regardless of the amount of financial benefit offered.

In the year 2015, Valenezia was struck by a Tsunami that left millions stranded, homeless or deceased. Due to heavy loss of life, property and widespread damage of the infrastructure and resources, the Republic of Valenezia suffered irreparable loss and was going through the worst economic crisis in the history of its existence.

Beginning 2018, in response to growing public alarm, deterioration of living conditions and various financial challenges, an emergency meeting of the cabinet was called and it was decided that steps be taken to preserve the culture and knowledge of the Republic of Valenezia and further safeguard and secure the future of citizens of Valenezia. It was realized that it was impossible for the state of Valenezia to recoup its losses without the financial aid and assistance of other States.

During this time, it was brought to the attention of the Government that one Dr. Baron Quest (a citizen of Valenezia) with a group of scientists, had been working on the concept of a Brain Computer Interface (BCI) technology. Thereafter, the Government hired Dr. Quest and his team, subject to the terms of a Contract, to further develop the concept of BCI and make a system by which knowledge transfer could be effectuated in the human brain. However, under the terms of the Contract, any rights in the technology would belong to the Government of Valenezia.

Within months, the team of scientists developed the first ever computer software in Brain Computer Interface (BCI) called the *CIPcracker* whereby a person's thoughts could be digitized and then re-fed into the brain and after months of tests and clinical trials, the results revealed that the measures were satisfactory and the same was ready for deployment. *CIPcracker* facilitated assistance of a computer in performing the function of the hypothalamus for converting short-term memory into long-term memory. It would also be possible to learn any specific skills or acquire expertise, knowledge or intelligence of another human being which has been acquired by him or is inherent in him by virtue of his heritage or training. Through *CIPcracker*, it is possible to map out the personality characteristic or trait of a person or even a community through peaks, charts, color schemes and mathematical calculations which are represented in a visual digital format *known as a Culture-Intelligence-Personality-Gram (hereinafter referred to as CIPgram)*. The CIPgram readings are represented in a graph which denote the degree of culture, intelligence and personality which are capable of being transferred to others.

Using the CIPcracker software, the Valenzian Scientists gathered the most knowledgeable and skilled healers in the country and extracted and replicated their knowledge and abilities which were reduced into a CIPgram for the purpose of transfer to other individuals.

Trashen is a vast Asian Nation located in South East Asia and is sparsely populated with a population of about 10 million. However, 40% of the population is born with physical deformities and ailments on account of a nuclear explosion that took place in Trashen two decades back in a horrific accident at their Nuclear Power Plant. Those who have survived the explosion have suffered various lifelong ailments which are often passed down genetically. Additionally, miscarriages and complications in childbirth have declined the population of this state. The state of Trashen has been desperately looking to cure the disease-stricken population but any efforts whatsoever, have been of no avail.

At the conclusion of the development of the software *CIPcracker*, the government of Valenzia, approached the Trashen Government with a two-fold proposal:-

1. Transfer of Personality, Culture and Intelligence:-

- Transfer of Personality, Culture and Intelligence from the brain of a Valenzian citizen through the assistance of *CIPcracker* into the brains of 5000 medical practitioners of the country of Trashen (*hereinafter referred to as the transferee state*) who match the threshold of average intelligence (*hereinafter referred to as the transferee*) as assessed by the *CIPcracker*;
- The scope of technology transfer would only be limited to healing techniques that have been developed by the citizens of Valenzia.
- The process of transfer of technology would only be governed by the special committee called the Transfer of Personality, Culture and Intelligence Committee (*hereinafter referred to as TPCIC*) that would be formed by the Government of Valenzia and no individual could enter into any contract with any other individual or nation to effectuate technology transfer.
- The 5000 Trashen medical practitioners would be re-fed with the ability to decipher and understand Valenzian manuscripts.
- That any ownership rights in the Personality, Culture and Intelligence acquired through the transfer process would belong to the State of Valenzia and its citizens thereof and the State of Trashen has a duty to take all reasonable steps to ensure that the Personality, Culture and Intelligence transferred to the stipulated 5000 Trashen medical practitioners shall only be used for the purpose of eradicating the disease that the citizens of Trashen are suffering and that it is not disclosed to a citizen of another country for commercial or non-commercial purposes except with express authorization of the TPCIC and its representatives thereof.

2. **Basic assistance and Financial Aid to the citizens of Valenzia:-** The transferee state would also be obligated to provide basic financial aid and assistance to the citizens of Valenzia.

After much deliberation and negotiations between the two states, Trashen and Valenzia entered into a Personality, Culture and Intelligence Transfer Agreement dated 5th July 2020 as per the abovementioned terms and by 2025 the entire process of transfer was completed.

With the help of the technology transferred to them, Trashen embarked upon a campaign to eradicate the various diseases that plagued their country and by 2028, Trashen was nearly a disease free nation. However, during the course of the said campaign, a few citizens of Trashen were infected with a new strand of a virus, Spattergoitus, which had evolved beyond the healing techniques that had been transferred from Valenezia to Trashen and could not be completely eradicated with the said techniques. Additionally, this virus began to spread to other countries of the world and eventually there were reports of approximately 30,000 people worldwide who were infected with the Spattergoitus virus.

Accordingly, the Trashen government invested huge sums of money and time into Research and Development, working with the 5000 Trashen medical practitioners into further developing the healing technology that was transferred to them by Valenezia, to formulate new techniques to effectively combat the Spattergoitus virus and as a result, remarkably succeeded.

Thereafter, sometime in August 2030, it was brought to the notice of the Government of Valenezia that Trashen had begun entering into various bilateral agreements with various other nations pertaining to techniques and medicines or substances intended to be used for or in the diagnosis, treatment, mitigation or prevention of any disease or disorder, including the Spattergoitus virus. Many of these medicines and treatments were being provided to the other nations at hefty costs and profits.

That, immediately thereafter, the Prime Minister of the state of Valenezia wrote to the Government of the State of Trashen stating that the bilateral agreements entered into by the State of Trashen with other nations constituted infringement of the Intellectual Property in the Personality, Culture and Intelligence of the citizens of Valenezia that was acquired by the citizens of Trashen through the Transfer process. That, the Valenezian government demanded that the actions be reversed unless immediate steps be taken by the State of Trashen to refrain from moving forward with the bilateral agreements and dealings with the foreign nations.

The Valenezian government sought discussions with the Trashen authorities, which declined to entertain them and instead the Prime Minister of the State of Trashen responded with a diplomatic note denying any violations whatsoever as the citizens of Valenezia had no Intellectual Property in the Personality, Culture and Intelligence of the citizens of the State of Trashen and the same belongs to the citizens of the State of Trashen to whom it has been transferred. Additionally, Trashen also maintained that the techniques being sold to the other nations by them were far superior to the techniques which had been transferred to them from Valenezia.

Thereafter, the State of Valenezia files a case against the State of Trashen in the High Court of Wolly claiming infringement of Intellectual Property in Personality, Culture and Intelligence of the citizens of Valenezia. The State of Trashen raised *inter alia*, the following defenses:-

1. That there was no Intellectual Property Rights in the Personality, Culture and Intelligence or other PCI elements held by the citizens of Valenezia, which could be the subject matter of intangible property rights;
2. Even otherwise, there was no infringement of any such rights as the techniques being sold to other nations by Trashen were far superior and vastly improved from the techniques which had been transferred to them from Valenezia.

Principles applicable to Intellectual Property in Personality, Culture and Intelligence

1. *PCI* i.e. “Personality, Culture and Intelligence” means a cumulative body of knowledge, characteristic traits, skills, know-how, practices and representations maintained and developed by people in their brain, through birth or training or interaction with the natural environment and which are original, distinctive, novel, unique or different and gives a group of people in any unit (be it a family or tribe or village or city or nation or even a corporation) a certain superiority or strength or functional or aesthetic advantage.
2. *Infringement of PCI*: A *PCI* is infringed by one or more persons who unless authorized, unfairly misappropriate the *PCI* of another.
3. *The State of Valenzia* will deem to have jurisdiction in the present fact situation.
4. *The Personality, Culture and Intelligence Transfer Agreement* shall be governed by the laws of *the State of Valenzia*.
5. *Procedural, jurisdiction and even substantive laws may be flexibly dealt with (at the choice of participating teams)* so as to concentrate and focus on these two aspects:-
 - What are the common characteristics of existing Intellectual Property Rights?; and
 - Can these common characteristics be used to create a new Intellectual Property Right such as in the intangible skills, knowledge, intelligence, cultural and personality traits of a group of people within a family or tribe or village or city or nation or even a corporation?

Participants appearing as Plaintiff will represent the State of Valenzia.

Participants appearing as Defendant will represent the State of Trashen.

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