



**DSNLU - MODEL WTO  
MINISTERIAL CONFERENCE SIMULATION**

**CENTRE FOR INTELLECTUAL PROPERTY RIGHTS,  
DAMODARAM SANJIVAYYA NATIONAL LAW UNIVERSITY,  
VISAKHAPATNAM**

**RULES OF PROCEDURE**

**6-7<sup>th</sup> AUGUST, 2021.**

# **GENERAL RULES**

## **1. Definition**

The Rules of Procedure have been decided upon by the Director General's office prior to the simulation and are not subject to change. The Rules of Procedure shall regulate the proceedings of the conference.

## **2. Interpretation Clause**

The interpretation of the Rules of Procedure shall be reserved exclusively to the Centre for IPR, DSNLU.

## **3. Language**

English shall be the official working language for this conference.

## **4. Delegation**

Each delegate in the Council will represent one country and shall have one vote. There is only individual/single delegation allowed.

## **5. Technical Requirement**

3.1. Delegates are expected to have a functional electronic device compatible and equipped with the required software, internet connectivity and the other required prerequisites as mentioned.

3.2 The WTO Simulation will be held on the platform of Cisco Webex, hence all participants are required to download the software and get familiar with it accordingly.

3.3. Delegates are required to switch on their videos at all times possible.

3.4 Frequent Network or connection failures on the part of any delegate during the simulation may lead to disqualification of the participant. The Centre for IPR reserves the right to disqualify a delegate if participation is found not satisfactory during the conference.

## **5. Acknowledgement**

4.1. The delegates shall use the 'Raise Hand' or any other such feature as provided, in order to be acknowledged during the session. (Any other form of interruption during proceeding may lead to penalty)

4.2. The delegates shall 'Lower Hand' once the purpose of raising their hand is done. This will be regarded as delegate's placard and must only be used as and when required.

4.3. The delegates may also use the chat in order to communicate with the Council in entirety or to any particular delegate, privately. Individual chat windows may be provided to negotiate with specific countries for the purpose of Voting and Agreements

4.4. Delegates have to follow the naming guideline before joining the session. The display name should be in the following format: Country allotted\_First Name e.g. INDIA\_RITU.

**Note:** In case of connection difficulties, the council shall wait for up to 30 seconds for a delegate to respond/reconnect, following which, the council shall continue with the session.

## **6. Decorum**

The delegates are expected to maintain required level of professionalism and decorum during the proceedings of the council. If a delegate is not observing decorum, on chat, video, audio, or any other platform as shared, he or she can be removed from the session, temporarily or permanently as per the decision of the Executive Board.

**Note:** Teams are expected to maintain strict decency during chats and discussion. Any form of indecent, scandalous or defamatory remark or text can lead to consequential penal action under IT Act, 2000 and other Penal laws of the land. The Centre for IPR does not take any responsibility for Individual's behavior during the simulation.

## **7. Dress Code**

All the delegates are expected to wear formal business attire. An exception may be granted concerning any formal dress code considered as appropriate in the culture of country as represented in the simulation.

# **MEETING RULES**

## **8. Composition Of Council**

8.1 The Council will be working as a ministerial negotiations conference.

**Note:** The delegates can take note of the work done by Council for Trade-Related Aspects of Intellectual Property Rights, if required.

8.2 The Council will have an Executive Board, consisting of the 'Chairperson', 'Vice Chairperson' and 'Director General.'

8.3. The Executive Board shall ensure the observance of the present Rules of Procedure and shall evaluate the Conference and discussion during the Session. All the panelists shall be considered as equal before the Council and their evaluation will carry equal weightage.

## **9. Role of Executive Board**

9.1 The Chairperson, in the executive board subject to these rules, shall have complete control over the proceedings of the Conference and maintain order in an objective way. The Chair shall address the opening and closing of each Council session, set the initial speaking time, keep track of presence, direct the discussion, accord and withdraw the right to speak, open the floor to points and motions, put questions to the vote and announce decisions.

9.2. The Executive Board may advise the Delegates on procedural and substantive matters in order to enable the good functioning of the Council.

9.3 The Board has the right to suspend the Council Session for a limited time in the interest of the Conference requirement. This right is not subject to appeal by any delegate.

9.4. The Board can use their discretion to make decisions without the delegates voting on it. The following elements can be decided upon, proposed or overruled at the chairperson's discretion:

9.4.1 All motions as outlined by the Delegates,

9.4.2 All elements of time within the motions,

9.4.3 The topics proposed within the motions, or specific elements thereof.

The Board shall however only use their discretion if it is in the interest of the smooth functioning of the proceedings and in full accordance with the present Rules of Procedure.

### **10. Organizing Committee:**

The Organizing Committee is the organizing team of the conference and in that capacity shall be responsible for all organizational and logistical aspects of the conference.

## **RULES GOVERNING DEBATE**

### **11. Quorum**

The Director General shall declare the sessions working and permit debate to proceed if at least one third of the total delegations are present.

### **12. Roll Call**

12.1 The roll call is conducted every session to ascertain the presence of delegates, the countries are called upon and have to respond either:

a. Present.

b. Present and Voting.

The Teams who have indicated their status, as "present and voting" will not be able to abstain from substantive votes.

12.2 Alteration of one's declaration of presence shall be possible via a written note (in the private chat box) to the Executive Board only. The Executive Board should then announce a change in status to the Council.

### **13. Provisional Theme**

The Organizing Committee has proposed a provisional theme for this session which was decided upon before the conference. The suggestive theme stands to be: Patent Waiver of Covid-19 Vaccines.

### **14. Setting of Sub-Themes**

14.1 The Sub-Themes should be looked into by the delegates while preparing speeches and their position papers.

14.2 The delegates are allowed to explore different sub-themes apart from the stated in the Rules of Procedure, given it is within the bounds of the Theme of the Council.

14.3. The Sub-Themes decided by the Organizing Committee stands as follows:

- i) Patent Waiver vis-a-vis Manufacturing and Distribution of Vaccines
- ii) Technology Transfer issues relating to COVID Vaccines
- iii) Establishment of a Structured Publicly Accessible International Database for all "The Essential IPRs of COVID-19"
- iv) Measures to prevent abuse of IPR by right holders for restraining the trade
- v) Challenges associated with Financing and Manufacturing of COVID -19 vaccines

## **15. Speakers List**

15.1. The Council shall at all times have an open Speakers' List for the Topic Area being discussed. The Executive Board will either set a speaking time or entertain motions to set a speaking time. Separate Speakers' Lists will be established as needed for procedural motions and debate on amendments.

15.2 A member may add its name to the Speakers' List by submitting a request through chat or other format to the dais, provided that member is not already on the Speakers' List.

15.3. A new General Speakers' List is opened when a new topic is started, whether after completion of the other topic or after a successful motion to table the debate.

15.4. If the speakers' list runs out of speakers, debate on the topic is considered concluded, and the committee automatically moves into voting procedure.

## **16. Yields**

16.1 A delegate granted the right to speak on a substantive issue may yield in one of three ways at the conclusion of his/her speech:

- (i) to another delegate,
- (ii) to questions, or
- (iii) to the Executive Board.

A delegate must declare any yield at the conclusion of his or her speech. Only one yield is allowed per speech (i.e. no yields on yielded time)

16.2. If the delegate or the Chair decides to yield their time to another delegate, the delegate in question shall be given the choice to accept or not the time yielded to them. If they accept the yield, they shall have the floor for the remaining time.

## **17. Right of Reply**

17.1 If a remark impugns the territorial integrity or national sovereignty of a delegate's state, the delegate may, at the end of the latter's speech, ask for a right of reply following the conclusion of the controversial speech by using the 'raise your hand' option in Cisco Webex and raising their placards on their screen.

17.2 The delegate requesting a right of reply shall briefly repeat what has been said that they consider as controversial.

17.3 The Executive Board shall then decide whether the delegate will be granted the right of reply and give a 60 second time limit for the reply.

17.4. No ruling, on this question shall be subject to appeal.

17.5. A right of reply to a right of reply shall not be in order.

17.6. A right of reply may only be requested in formal debate

## **POINTS**

### **18. Point of Personal Privilege**

18.1. A delegate or member of Executive Board may raise a Point of Personal Privilege at any time, except during speeches, to remove a personal discomfort, which impairs the ability to participate fully in the debate and working of the Council. The Delegate shall speak when called by the Board Member and explain the grievance.

18.2. A Point of Personal Privilege may interrupt a speech only if the Delegate raising the point cannot hear the speaker.

### **19. Point of Parliamentary Inquiry**

19.1. A delegate may raise a Point of Parliamentary Inquiry at any time, except during speeches, to clarify a technical aspect regarding the Rules of Procedure. The delegate shall speak when called by the Board and state the nature of the inquiry.

19.2. The Board shall respond to the delegate's concern immediately and attempt to clarify the matter without causing excessive disruption to the working of the Council.

### **20. Point of Order**

20.1. A delegate or member of Board may raise a Point of Order at any time during formal debate to signal an instance of non-adherence to the Rules of Procedure by another delegate, which has escaped the Executive Board scrutiny. The Representative shall rise when called by

the Board and briefly motivate the breach of one or more Rules of Procedure and produce Evidence if required to support their claim.

20.2. A Point of Order can also be raised when the other Delegate states or claims any Data or Fact, which is incorrect, and the Board fails to scrutinize the same.

20.3. A delegate or Board may not, in raising a Point of Order, speak on the substance of the Topic under discussion.

20.4. Delegates may under no circumstances raise a Point of Order during the speech of a fellow delegate or Board member, or when a Point of Personal Privilege or Point of Parliamentary Inquiry is being processed.

## **VOTING PROCEDURE**

### **21. Conduct during voting**

21.1. The Director General shall announce the end of formal debate and the beginning of voting procedure after a successful motion to close debate or after the speakers' list ran out of speakers at the end of the Conference.

21.2. Upon entering voting procedure, Representatives will not be allowed to interrupt voting procedure except to introduce points as laid out. The motions allowed during voting procedure will be entertained in the following order of precedence:

- a. Motion to appeal the decision of the Board for Resolution
- b. Motion to vote clause by clause
- c. Motion to divide the question

21.4. During voting procedure, cross talking, the use of internet (apart from the pre-requirement of Council participation) and having private chats are strictly forbidden.

### **22. Voting Rights**

Each full member of the Council shall have one vote.

### **23. Substantive votes**

23.1 If not stated otherwise or requested by a delegate, the standard voting method for substantive votes is a vote by placard **and** using the 'raise hand' feature. In substantive votes, representatives can either vote yes, no, abstain or pass. Representatives whose status is indicated as "present and voting" may **not** abstain during substantive votes.

23.2. In case a Delegate passes their right to vote, they will be called upon again after the Board has concluded the rest of the roll call. When called upon, the delegate having previously passed will not be allowed to abstain.

23.3. In order for a substantive vote to pass, a majority of affirmative votes is required, if not the motion fails.

#### **24. Vote on Draft Outcome Document**

24.1 The final vote on the draft outcome document will occur after the committee has voted on all relevant amendments and the Expert Board have entertained all motions and points.

24.2 The standard voting procedure on a Draft Outcome Document is a vote by placard and raise hand feature, if no request for a roll call vote has been voiced.

24.3. In order for a Draft Outcome Document to be accepted by the Council, it has to comply with all the procedures prescribed by the Director General.

### **MOTIONS**

#### **25. General Rules Regarding Motions**

25.1. As moderators, the Director General shall be responsible for collecting motions. It is up to their discretion when to entertain motions, and how many motions to entertain. This decision is not subject to appeal.

25.2. In order for a motion to be received, there is no need for seconds to the motion.

25.3. In case of multiple motions on the floor, the Expert Board shall respect the order of precedence as determined in the present Rules of Procedure.

25.4. Before putting a motion to a vote, the Board shall ask for objections to the motion. In case of objections, the motion will be put to a vote. In case there are no objections, the motion passes without a vote. This rule only applies to motions that do not require debate.

25.5. In case of multiple motions of the same nature on the floor, the Board shall entertain them in their order of disruptiveness, starting by the most disruptive one.

25.6. If a motion does not pass, the Board shall move on to vote upon the next motion in the order of precedence. If a motion does pass, all previously received motions are tabled.

25.7. When a simple majority is required for a motion to pass, this will mean 51% of the participants declared as present or present and voting during the preceding roll call. In case of a tie, the motion does not pass.

#### **26. Motion for a Moderated Caucus on the Sub-Themes**

26.1. A delegate or Board may at any time when the floor is open, propose a motion for a moderated caucus, indicating a topic to be addressed, a total duration, and an individual speaker's time on the Sub-Themes given.

26.2. In a Moderated Caucus, Delegates can address the Council by raising their placard/ raise your hand feature.

26.3. This motion is procedural in nature and each delegate is required to participate in the vote.

26.4. This motion does not require debate and needs a simple majority to pass.

26.5. In case the motion passes, strict adherence to the topic initially proposed is necessary. The Executive Board may call to order any delegate, who does not talk to the topic of the caucus.

### **27. Motion for an Unmoderated Caucus**

27.1. A delegation may at any time when the floor is open propose a motion for an Unmoderated caucus, specifying the total duration of the caucus and the topic to be addressed.

27.2. In an Unmoderated Caucus, delegates are free to leave the main Council Session and may choose to proceed to break-rooms made by the Organizing Committee for an open conversation. Conversations shall be related to the subject. This motion is procedural in nature and Observers are required to participate in the vote.

**Note:** A motion for model bilateral/multilateral talks can also be proposed in order to draft working papers.

27.3 In case the motion passes, strict adherence to the topic initially proposed is necessary. The Board may call to order any delegate, who does not talk to the topic of the caucus.

### **28. Precedence of Motions and Points**

For the sake of these Rules of Procedure, the Executive Board shall consider the Motions and Points in the following order of precedence:

I. Point of Personal Privilege

II. Point of Order

III. Point of Parliamentary Inquiry

IV. Motion to Extend a Previous Caucus

V. Motion for the Suspension of the Meeting

VI. Motion for the Adjournment of the Meeting

VII. Motion to Change the Speaker's Time

VIII. Motion for a Mock Vote

IX. Motion for an Unmoderated Caucus

## X. Motion for a Moderated Caucus

The precedence of the Motions shall be applicable throughout all committees, if not otherwise stated by these Rules of Procedure.

## **WRITTEN SUBMISSIONS**

### **29. Position Paper**

Each delegation has to submit a position paper based on the Theme and Sub-themes allotted. Instructions to follow:

1. It should be in MS word, font size 12; line spacing: 1.5.
2. Font should be Times New Roman.
3. In the header, there should be WTO-TRIPS Council, Country and Agenda mentioned.
4. There should be four paragraphs showing:
  - a) Introduction and the Country's stance
  - b) What is your allocated country doing regarding the topic?
  - c) What are UN and other international organizations doing regarding the topic?
  - d) Possible solutions
- 5) In the footer, mention the references (full URL required)
- 6) Country flag or Coat of Arms may be used or watermarked
- 7) Position paper should not exceed two pages. (Including everything)
- 8) Page Size: A4 & Normal Margin-(1 inch throughout)
- 9) Subject: PP-TRIPS Council-Country

Please submit your position paper before the deadline.

### **Please Note:**

- The total length of the four main paragraphs should not exceed 1500 words
- Failure to give position paper will result in disqualification from The Best Position Paper award.
- Try to avoid plagiarism in the Position Papers i.e. copy-paste, Position papers with plagiarism greater than 30% will not be considered.
- Delegate can only submit your position paper once, subsequent submissions will not be entertained.

### **30. Working Papers**

30.1. Delegates may at any time during sessions introduce a Working Paper for approval to the Board. There are no official requirements for the introduction of a Working Paper and no Signatories or Sponsors are needed.

30.2. The Executive Board shall inform the Council of any document that has been submitted to them if they deem it relevant to the topic under discussion.

30.3. The Director General reserves the right to withdraw one or more Working Papers, should they be evaluated inappropriate or of no interest for the purpose of the debate.

### **31. Draft resolution**

31.1. For a paper to be validated as a draft resolution, formal requirements must be fulfilled. A draft resolution consists of: a heading, pre-ambulatory clauses and a declaration. The heading is simply the title of the draft resolution. The heading has to include the name of the Council as well as the date.

31.2. The pre-ambulatory clauses serve as a declaration of intent of the parties as well as a declaration of the reasons why the parties have come to the agreement that will follow. This section of a draft resolution may include or refer to:

- Existing WTO agreements
- Reference to specific articles
- Reference to past ministerial conferences
- General information about the importance of the resolution
- Statements made by any WTO body

31.3. The pre-ambulatory clauses shall be formulated as one sentence and using commas to separate the single parts which must start with words used for the same purposes in past agreements. We urge the participants to have a look at past declarations and resolutions of the WTO to refer to these words. The declaration of the draft resolution forms the most substantial part of the document. Within this section the actual actions that the committee decided upon must be stated. This part of the document can include: amendments to existing articles, the creation of working groups for specific purposes, the elimination of articles, encouragements to member states, etc.

31.4. Only once all formal requirements are met and the paper has been checked by the chairs, will the document be considered a draft resolution. Furthermore, the draft resolution is not considered to be the final document which will be put to vote, as amendments to this document is still possible during the next part of the negotiations.

## **32. Final Resolution**

32.1. Before concluding negotiations, all points on the agenda (if possible) must have been discussed and included in the draft resolution. Once the Board has given green light on a draft resolution the amending procedure may start. At that moment, any changes to the draft resolution can be proposed. A **2/3<sup>rd</sup> majority** within the Council is needed for an amendment to be valid and to be integrated into the final resolution paper.

32.2. It is recommended that delegates also check the wording of the declaration as once the resolution is passed by the committee, it becomes binding for all the member states which have participated. Small changes in the wording, can therefore allow for more or less mobility within the scope of an agreement.

32.3. The final step of the negotiations consists in voting on the acceptance of the final resolution. For substantial votes, such as passing resolutions or amendments, a **2/3<sup>rd</sup> majority** is needed.

## **33. Closing the Debate**

33.1 When coming to the end of a day or to lunch time, the debate must be adjourned to either the next day or the next session. To do this any delegate in a committee may introduce a motion to close the debate for the day or to adjourn the negotiations for after lunch break.

*E.g.: "Motion to adjourn/postpone the meeting for tomorrow" or "Motion to Adjourn the negotiations for after the lunch break"*

33.2 Once the first issue on the agenda has been concluded or the topic has been exhausted, a motion to move on to close and conclude the current topic as well as to open the debate for the next agenda item is required.

*E.g.: "Motion to close the debate on this issue of and open the debate for the next element on the agenda"*

The same procedure is needed for the opening of the negotiations in the mornings or after a lunch break.