

Thirteenth Annual
WILLEM C. VIS
INTERNATIONAL COMMERCIAL ARBITRATION MOOT

Vienna, Austria

October 2005 - April 2006

Oral Arguments
7-13 April 2006

THE RULES

Organized by:
Institute of International Commercial Law
Pace University School of Law
78 North Broadway
White Plains, NY 10603
USA

INTRODUCTION

I. The Willem C. Vis International Commercial Arbitration Moot

1. The Willem C. Vis International Commercial Arbitration Moot is an annual competition of teams representing law schools throughout the world (the "Moot"). In the Twelfth Annual Moot in 2004-2005, 151 law school teams from 46 countries participated. Around 900 students were members of the teams. The Moot was judged by 400 lawyers and professors from around the world.

2. **Goals.** The Moot is intended to stimulate the study of international commercial law, especially the legal texts prepared by the United Nations Commission on International Trade Law (UNCITRAL), and the use of international commercial arbitration to resolve international commercial disputes. The international nature of the Moot is intended to lead participants to interpret the texts of international commercial law in the light of different legal systems and to develop an expertise in advocating a position before an arbitral panel composed of arbitrators from different legal systems. An active social program at the time of the oral hearings in Vienna is organized by the Moot Alumni Association with the aim of promoting friendships that can last long after the Moot itself is over.

3. The Willem C. Vis International Commercial Arbitration Moot is designed to be an educational program with many facets in the form of a competition. It is not intended to be a competition with incidental educational benefits. The rules and procedures in the Moot should be interpreted in the light of that goal.

II. Organization of the Willem C. Vis International Commercial Arbitration Moot

4. **Organizer, Co-sponsors, Supporters.** The Moot is organized by the Institute of International Commercial Law at Pace University School of Law. It is co-sponsored by:

International Centre for Dispute Resolution of the American Arbitration Association
Chartered Institute of Arbitrators
Chicago International Dispute Resolution Association
Court of International Commercial Arbitration, Romania
German Institution of Arbitration (DIS)
International Court of Arbitration of the International Chamber of Commerce
International Arbitral Centre at the Austrian Federal Economic Chamber
London Court of International Arbitration
Singapore International Arbitration Centre
Swiss Arbitration Association (ASA), Swiss Chambers' Arbitration
Faculty of Law of the University of Vienna
Moot Alumni Association (MAA)
United Nations Commission on International Trade Law (UNCITRAL).

It also receives support from Oceana Publications, Inc., Kluwer Law International, The Thompson Group, and the Vienna Convention Bureau.

5. The Moot consists of the preparation of a memorandum for claimant, a memorandum for respondent and oral hearings.

6. **Venue.** The oral hearings will be held in Vienna, Austria, at the Faculty of Law (Juridicum) of the University of Vienna and at the offices of the law firm Dorda Brugger Jordis. The general rounds will take place on Saturday through Tuesday, 8-11 April 2006. The elimination rounds will take place on Wednesday and Thursday, 12 and 13 April, culminating with the final round on Thursday, 13 April 2006.

7. The first events during the oral hearings are a welcoming party for student participants on Thursday evening, 6 April, and the official opening with reception on Friday evening, 7 April 2006.

8. **Language.** The Moot will be conducted in English.

RULES

I. Registration

9. Registration in the Moot is a three step process consisting of submission of the registration form, payment of the registration fee and submission of the memorandum for claimant. Although registration forms will be accepted until 2 December 2005, submission of the registration form prior to distribution of the Problem on 7 October 2005 is desirable.

10. Receipt of the registration form, payment of the registration fee and e-mail submission of the memoranda for claimant and for respondent will be acknowledged to the team contact person. Receipt of the hard copies of the memoranda will not be acknowledged, since it is not administratively feasible to do so.

11. **Registration fee.** The registration fee for the Twelfth Moot is €600 or US \$800. The registration fee must be paid by 2 December 2005 in order to compete in the Moot, unless the Director of the Moot has specifically agreed to a later date. Payment of the registration fee of US\$800 is normally made by check payable to Pace University. It must be drawn on a US branch of a bank. Payment of the registration fee of US\$800 may and payment of the registration fee of €600 must be made by transfer to Bank Austria Credit Anstalt in Vienna, international routing code (BIC) BKAUATWW, domestic routing code 12000, account of "Eric Bergsten Vis Moot", international account number (IBAN) AT 97 1200 0007 9008 0014, domestic account number 790 080 014. All transfer fees must be paid by the transferor. The transfer must NOT be payable to Pace University or it will be refused by Bank Austria Credit Anstalt. The transfer must also indicate the name of the university for which the registration fee has been paid in order for the account of the participating university to be credited.

12. Checks in US dollars must be sent to Professor Eric E. Bergsten, Schimmelgasse 16/14 or 16, A-1030 Vienna, Austria. It must NOT be sent directly to Pace University. The registration fee is paid only if Professor Bergsten has received the check or the payment has been credited to the above-mentioned account.

13. The registration fee includes an invitation to an opening reception for all team members, coaches and accompanying persons on Friday, 7 April 2006. It also includes tickets for the awards banquet on Thursday, 13 April 2006, following the Final Round of hearings for team members who register in Vienna, to a maximum of four team members, and for an accompanying team coach. The tickets must be presented for admission to the banquet. Lost tickets will not be replaced. Additional team members and accompanying persons are also invited, but will be asked to pay for the actual cost of the meal, €55.

14. The registration fee of a team whose registration is withdrawn prior to 7 December 2005, i.e. the day prior to the day the memorandum for claimant is due by e-mail, will be refunded in full.

15. A team that submits its memorandum for claimant will be paired with two other teams for the exchange of memoranda, as described in Part IV below, and will be scheduled to meet those two teams in the first two oral arguments, as described in Part V below. Withdrawal after submission of the memorandum for claimant affects adversely at least the two teams paired for the exchange of memoranda and the first two oral arguments. Therefore, teams that have submitted the memorandum for claimant are expected to participate in the entire Moot, including the oral arguments. The registration fee will not be refunded nor will unpaid fees be waived.

16. **Registration form.** The registration form includes space for two names and addresses. All communications concerning the Moot will automatically be sent to the person listed at the bottom of the form. It is the responsibility of the designated person to distribute all relevant material to the team. The person listed at the bottom of the form must give an e-mail address to which communications can be sent. Sufficient space in the e-mail account must be available to accept messages with attachments of up to two megabytes. A mailing list will be established to which general messages for all teams will be sent. The names of additional recipients of such messages may be submitted for inclusion on the list. They will also receive communications sent to the team in question as well as those sent to all teams.

17. Communications between the team and the Institute through anyone other than the designated person are at the risk of the team.

II. The Problem

18. **Subject Matter.** The Problem in the Thirteenth (2005-2006) Moot involves a controversy arising out of an international sale of goods subject to the United Nations Convention on Contracts for the International Sale of Goods (CISG).

19. **Dispute Settlement.** The controversy is before an arbitral tribunal pursuant to the arbitration rules of the Chicago International Dispute Resolution Association (CIDRA). The parties have agreed that the arbitration will be held in Vindobona, Danubia. Danubia has enacted the UNCITRAL Model Law on International Commercial Arbitration (Model Law). Danubia, Equatoriana, Mediterraneo and Oceana, the four states that are, or may be, involved are party to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York Convention).

20. **The Arbitration.** By the time the Thirteenth Moot begins, the claimant has filed its request for arbitration, the respondent has filed its statement of defense and the arbitral tribunal has been appointed. The Problem will consist of the statements of claim and defense with their exhibits, any orders of the arbitral tribunal issued prior to the date on which the Problem is distributed, and the clarifications described below. The Moot involves writing memoranda and oral argument in support of the positions of the claimant and respondent.

21. **Distribution.** The Problem will be distributed by the Institute on Friday, 7 October 2005, by posting on the Moot's Web site. The URL for the Moot is <http://www.cisg.law.pace.edu/vis.html>.

22. **Facts.** The facts in the dispute that is the subject matter of the Moot are given in the Problem. No additional facts may be introduced into the Moot unless they are a logical and necessary extension of the given facts or are publicly available true facts. By way of example:

(a) the subject matter of the dispute in the Fourth Moot was men's suits. It was legitimate to assume that the suits were made of cloth. It was not legitimate to assume that they were, or should have been, made of pure wool. If a team intended to base an argument on the material out of which the suits were made, the team should have requested a clarification of the Problem. By way of an additional example, a team may wish to base an argument on the apparent intention or state of mind of a person who sent a communication of some sort. It would rarely be possible on the basis of that which is given in the Problem to state as a fact that the person had a particular intention or state of mind. However, it would be legitimate to suggest that on the basis of the facts given the Arbitral Tribunal could (or even should) conclude that the desired intention or state of mind was present;

(b) the subject matter of the dispute in the Twelfth Moot was cocoa beans. The real, and extreme, price movements of cocoa beans during the period in question were given and were relevant to the dispute. Since the price movements in the Moot Problem were real, the reasons for those price movements were also real. It was permissible to refer to those reasons in the memoranda, if they were considered to be relevant. It would also have been permissible to refer to any such facts in oral argument, but only if they had been referred to in the memorandum of either party to that argument or if they were so well

known that it could be assumed they were known to the other party and to the members of the tribunal. The reasons for the price movements would not have qualified under the latter test.

23. Statements of fact alleged by a team that do not qualify under paragraph 22 are not true. Therefore, basing an argument on any such alleged facts will be considered to be in breach of the rules of the Moot and to be professionally unethical. Arbitrators will enforce this rule strictly in both the memorandum and oral arguments and will evaluate the team's efforts accordingly.

24. **Clarifications.** Requests for clarification of the Problem may be sent to the Institute prior to 26 October 2005. Requests for clarification should be limited to matters that would appear to have legal significance in the context of the Problem. A request for clarification must include a short explanation of the expected significance of the clarification. Any request that does not contain such an explanation may be ignored.

25. Clarifications issued by the Institute in the form of a Procedural Order from the Arbitral Tribunal will be distributed to all teams by e-mail. The target date for the distribution is 2 November 2005. Teams are responsible for making sure that they have received the clarifications even if they were not registered as yet. Clarifications issued in the name of the Arbitral Tribunal become part of the Problem.

III. Teams

26. **Composition.** Teams may come either from a law school or from another university level institution that includes law as part of its program of study. Each participating law school or other institution may enter one team. A team is composed of two or more students registered at the institution. Students may be registered either for a first degree or for an advanced degree and need not be from the country in which the institution is located. There is no maximum limit on the number of students who may be members of the team. No student who has been licensed to practice law is eligible to participate except with permission of the Director of the Moot. Eligibility to participate in the Moot is determined as of 8 December 2005.

27. Teams may include former participants. However, students who have participated in an argument in an elimination round (Round of 32 or later) in a previous Moot, whether in Vienna or Hong Kong, may not participate in the oral arguments. Furthermore, the Vis Moot East may once again be held in Hong Kong. Although a student may be a member of both the team that participates in Hong Kong and the team that participates in Vienna, no student may argue orally in both Moots in the same year.

28. **List of team members.** The list of team members must be submitted at the time the memorandum for claimant is submitted on the form that will be made available. Certificates of participation for participating team members will be prepared from the lists submitted to the Institute. Therefore, names should be in the form in which they should appear on the certificates. Members of the team may be dropped or added at any

time, but any changes in the composition of the team must be specifically communicated to Professor Bergsten.

29. **Participation.** All members of the team may participate in preparation of the memoranda for claimant and respondent.

30. In each of the oral hearings two members of the team will present the argument. Other members of the team may not aid them during the argument in any way. Different members of the team may participate in the different hearings. Therefore, between two and eight members may participate in the oral hearings. However, to be eligible for the Martin Domke Award for best individual oralist, a participant must have argued at least once for the claimant and once for the respondent. The average score per argument will be calculated and the award will be determined on that basis.

IV. Written Memoranda

31. **Memoranda.** Each team must submit a memorandum in support of the claimant's position to the Moot administration by e-mail by 8 December 2005. Each claimant's memorandum will be sent to one of the other teams by e-mail by 12 December 2005, or as soon after as is possible. Submission of the memorandum for claimant is an integral part of the registration procedure. Therefore, teams that fail to submit the memorandum by 8 December 2005 will be considered not to have completed registration for the Moot and will not be able to compete.

32. Each team will prepare a memorandum in support of the respondent's position in response to the memorandum in support of the claimant's position that was sent to it. The Institute will determine to which team a memorandum in support of the claimant's position will be sent. The memorandum for respondent must be submitted by e-mail by 26 January 2006. Teams that fail to submit the memorandum for respondent by 26 January 2006 will be considered to have withdrawn from the Moot at that time.

33. The memorandum for respondent must be responsive to the arguments made in the memorandum for claimant. Nevertheless, the memorandum for claimant to which a memorandum for respondent is to be prepared may not have made all of the arguments that the team preparing the memorandum for respondent believes should have been made. The team preparing the memorandum for respondent may deal with those issues. Such additional arguments (arguments in response to arguments not made by your opponent) would not normally be made in a real arbitration. However, they may be appropriate in the Moot. If such arguments are made, they must be identified in an appropriate manner so that the jury judging the memoranda and the arbitrators hearing the oral arguments will be able to consider them separately.

34. **Hard copies of the memorandum.** Although copies of the memoranda will be distributed between teams by e-mail, some of the arbitrators for the oral arguments and readers of the memoranda for the purpose of ranking and evaluating them will receive hard copies. Therefore, hard copies must arrive at the Moot administration by the dates

set out in the schedule. If, for any reason including errors on the part of the carrier, six hard copies of the memorandum for claimant have not been received from a team by 15 December 2005 or 6 copies of the memorandum for respondent by 1 February 2006, the names and addresses of the readers who are to receive hard copies of your memorandum will be sent to the team contact person. It will be the responsibility of the team to send copies to the reader itself. Since the date when the hard copies of the memoranda are due in Vienna and the date when they will be sent to the readers are very close to the date when the memoranda are due by e-mail, the hard copies may have to be sent to the Moot administration prior to the deadline for sending them by e-mail if they are to be sent to the readers by the Moot administration.

35. Elements of style. Paragraphs must be numbered and references to statements in either one's own memorandum or, in the case of the memorandum for respondent, to statements in the opponent's memorandum for claimant must be to the paragraph number.

36. The memoranda are intended to be of practical use to the arbitrators in deciding the dispute. They are not intended to be scholarly dissertations. Therefore, citations in the memorandum and the List of Authorities should be limited to those that advance the argument being made. Excessive citation are counted negatively in evaluating the memorandum.

37. Citations must be in the text of the memorandum and not in footnotes or endnotes. Citations in the text should refer to a List of Authorities in which the full citation is given. For example, a reference to a book might say "Paulsson et al p. 456", a citation to a court decision in the United States might say "Smith v. Jones (Ct. App. 2d Cir.)" and a decision of the Supreme Court of Germany might say "BGH 31 October 2001".

38. The List of Authorities should be in a form that is intelligible to all who will read the memorandum. That includes the members of the other teams, the arbitrators in the oral hearings and the members of the jury who will judge the written phase of the Moot. Most of the readers of the memorandum will be from other countries. Account should be taken that the style of citation of judicial decisions or articles in legal journals that is common in one country may not be intelligible to participants in the Moot (or in an arbitration) from other countries. Therefore, deviation from the standard style of citation in your country may be appropriate.

39. Care should be taken in the use of legal doctrines and terminology (including Latin maxims) common in some legal systems that are not found in the CISG, Model Law, New York Convention or CIDRA Rules and that may not be known to teams or arbitrators from other legal systems.

40. Memoranda may be no longer than thirty-five (35) 8½ x 11 inch or A4 typed pages, including any statement of facts, argument or discussion. Cover pages, tables of contents, indices, lists of authorities or other material that does not consist of facts, argument or discussion may be in addition.

41. No type style smaller than 12 point may be used. The memorandum should be typed at 1½ line-spacing. All margins must be at least one inch or 2.5 cm. Reproduction of all copies must be full sized and clear.

42. Memoranda that are longer than 35 pages of facts and argument, that use a smaller type than 12 point or that have narrower margins than allowed will not be submitted to the second round of judging.

43. Hard copies of memoranda must be bound or stapled securely so that the binding or stapling will hold throughout the Moot. Experience shows that memoranda that are held together by rubber bands, light weight staples, paper clips or other insecure means will not hold together. Consequently, the arbitrators may not have the memorandum as the team prepared it. That obviously means that the memorandum will not receive the consideration that it may otherwise deserve.

44. The name of the team and whether the memorandum is for the claimant or for the respondent must appear prominently on the outside cover page so that it can easily be read without opening the memorandum. Outside cover pages of dark colored paper should not be used if they render illegible the name of the team and whether the memorandum is for the claimant or for the respondent.

45. **Memorandum Revision.** A memorandum may not be revised once it has been submitted to the Institute, including for missing pages, typographical or grammatical errors or for problems caused by faulty computer software. Revised or additional pages submitted to the Institute will be ignored. It is not possible either to file them or to send them as additional pages to the arbitrators. Sufficient time should be left prior to submission to verify the text to be submitted.

46. **Scoring of Memoranda.** A jury selected by the Institute will score the memoranda on the basis of the quality of the analysis, persuasiveness of argument, thoroughness of research, clarity of the writing and adherence to the elements of style set out above. The jury will take into account whether arguments are based on facts not found in the Problem or clarifications and that are not logical and necessary extensions of the given facts. When judging the memorandum for respondent, account will be taken whether it is responsive to the arguments raised by the claimant.

47. The memoranda for claimant and for respondent will each be judged in two rounds. In the first round the members of the jury will each receive four memoranda. They will be asked to rank them in order of merit. If a sufficient number of jury members are available, each memorandum will be submitted to at least three jury members. On the basis of the results from the first round of judging, memoranda will be selected for submission to a separate jury for determination of the winners of the awards for best memorandum in each category.

48. **Submission of Memoranda.** Each team is to submit in total six (6) hard copies of the memorandum for claimant and the memorandum for respondent in addition to the submission by e-mail. The memorandum submitted by e-mail must be submitted as a single computer file so that the memorandum can be printed complete with cover page. If the necessary software is available, it is recommended that the memorandum be submitted in PDF format. In addition, at the same time the memorandum for claimant is sent, a separate file must be sent by e-mail with the names of the members of the team.

49. Place for Submission of Memoranda. The submission of the e-mailed copy of the memorandum as well as the six (6) hard copies of the memorandum for claimant and for respondent should be sent to:

Professor Eric E. Bergsten
Schimmelgasse 16/14 or 16
A-1030 Vienna, Austria
Tel. & fax +43 1 713-5408
E-mail: eric.bergsten@chello.at

50. The dates on which memoranda are due in Vienna are as follows:

Memorandum for claimant:
E-mail: 8 December 2005
Hard copies: 6 copies, 15 December 2005
Memorandum for respondent:
E-mail: 26 January 2006
Hard copies: 6 copies, 1 February 2006

51. Receipt of e-mailed copies of the memoranda will be acknowledged. Receipt of the hard copies will not be acknowledged, since it is not administratively feasible to do so. If hard copies have not been received by the dates they are due, the team will be notified.

52. It should be pointed out that packages of memoranda arriving from outside the European Union may be subject to customs duty. If the sending post office or courier service requires that the package containing the memoranda be given a value for customs purposes, that valuation should be its commercial value, i.e., no commercial value and the valuation should not be the cost of preparing the memoranda. A declared valuation of 20 Euro or more subjects the package to customs duties in Austria, for which the sending team will be held responsible.

53. The designated contact person for each team will be sent by e-mail the memorandum for claimant of another team, to which a memorandum for respondent must be prepared. The memorandum will be sent by 12 December 2005, or as soon after as is possible. If the contact person will not be available at the address given during that period, a substitute person or address must be notified to the Institute prior to 1 December 2005.

54. On 2 February 2006, or as soon after as possible, the designated contact person will be sent by e-mail the memorandum for respondent prepared in reply to its memorandum for claimant as well as the memoranda of the other teams against which it will argue in its third and fourth oral hearings.

55. Teams that enter the elimination rounds will NOT be furnished with the memoranda of the teams against which they are to argue in those rounds.

56. **Copyright.** Memoranda once submitted shall be the property of the Institute and may be copyrighted by the Institute.

V. Oral Hearings

57. **Venue.** The oral hearings will be held primarily at the Faculty of Law (Juridicum) of the University of Vienna, Schottenbastei 10-16, A-1010 Vienna, with additional hearings at the offices of the law firm Dorda Brugger Jordis, Dr. Karl Lueger Ring 10, A-1010 Vienna.

58. **General Rounds.** Each team will argue four times in the general rounds, twice as claimant and twice as respondent. In its first two oral hearings, each team will argue once as claimant and once as respondent. The respondent will be the team that prepared the memorandum for respondent in opposition to the memorandum for claimant that was sent to it. In its third and fourth oral hearings the teams will argue against teams with which they were not paired for the purpose of preparing written memoranda.

59. The general rounds will be scheduled so that, in principle, each team will argue once per day, Saturday through Tuesday. If there should be an odd number of participating teams, or occasionally for other reasons, it may be necessary for a team to argue twice on the same day.

60. **Duration of Oral Presentation.** The oral presentation of each team is, in principle, thirty (30) minutes. The team should allocate equitably the time available to the two individual advocates. However, the arbitral tribunal may exceed the time limits stated so long as neither team is allowed more than forty-five (45) minutes to present its argument, including the time necessary to answer the questions of the tribunal. It will be the responsibility of the tribunal to ensure that the teams are treated fairly.

61. **Arguments.** Claimants and respondents in their first hearing should expect to rely on the arguments given in their written memoranda or to be prepared to justify why that position has been abandoned. In subsequent hearings arbitrators may be less demanding on this score as it is expected that teams will improve their arguments during the Moot.

62. **Questions by Arbitrators.** The arbitrators are requested to act during the oral hearings as much as possible the way they would in a real arbitration. There are significant differences in style dependent both on individual personalities and on perceptions of the role of an arbitrator (or judge) in oral argument. Some arbitrators, or

arbitral tribunals, may interrupt a presentation with persistent or even aggressive questioning. Other arbitrators, or arbitral tribunals, may listen to an entire argument without asking any questions. Therefore, teams should be prepared for both styles of oral presentation.

63. **Order of presentation.** Some panels of arbitrators will ask one team to present its argument on all of the issues before the other team is permitted to present its argument. Other panels of arbitrators will ask both teams to argue one issue first before they both argue in respect of a second issue. Normally the party who has raised the issue will argue first. Therefore, normally the claimant would argue first, if it is to present its arguments on all of the issues before the respondent is permitted to argue. However, if the respondent has raised an objection to the jurisdiction of the Arbitral Tribunal or other procedural matters, the panel may ask it to present its arguments on that issue before the claimant responds to it.

64. The arbitrators will decide whether rebuttal arguments will be permitted. Whether or not rebuttal will be allowed can be expected to change from one argument to the next.

65. **Scoring.** Each arbitrator will score each of the orators on a scale of 25 to 50. The scores of the two orators will be added to constitute the team score for that argument. Therefore, each team could score a maximum of 100 points per arbitrator per argument, or a theoretical maximum of 1200 points for the four arguments. Arbitrators will score the oral arguments without knowledge of the results of earlier arguments. Some arbitrators will have participated in evaluating the memoranda of teams whose oral arguments they later hear. Although they will be aware of their own evaluation of the memoranda, they will be without knowledge of the evaluations given by other arbitrators.

66. **First Elimination Round.** After the general rounds, the scores of each team for its oral presentation in the four arguments will be totaled. The thirty-two teams that have obtained the highest composite scores will meet Wednesday morning, 12 April 2006. If there is a tie for 32nd place, the decision as to which team will enter the elimination rounds will be determined by lot. The teams will be paired so that the first and thirty-second, second and thirty-first, etc. will argue against one another. Ranking of a team in the General Rounds will not be divulged until after the close of the Moot and then only to the team concerned.

67. **Second Elimination Round (Round of 16).** The winners of the first elimination round will meet in the Round of 16 early Wednesday afternoon, 12 April 2006.

68. **Quarter-Final Round.** The eight winners of the Round of 16 will meet in the Quarter-Final Round late Wednesday afternoon, 12 April 2006.

69. **Semi-Final Round.** The four winners of the Quarter-final Round will meet in the Semifinal Round Thursday morning, 13 April 2006.

70. **Final Round.** The two winners of the Semi-final Round will meet in the Final Round Thursday afternoon, 13 April 2006.

71. **Determination as to which team is claimant and which is respondent.** If the two teams in any of the elimination rounds, including the final round, argued against one another in the general rounds, they will argue for the opposite party in the elimination round. If they did not argue against one another in the general rounds, in the first elimination round the determination as to which team will be claimant and which will be respondent will be determined by lot. In the following rounds, when one of the two teams in the preceding round was claimant and the other was respondent, they will argue for the opposite party for which they argued in that preceding round. If both teams argued for the claimant or both argued for the respondent in the preceding round, the decision as to which team will be claimant and which will be respondent will be determined by lot.

72. **Winning Team.** The winning team of the oral phase of the Moot is the team that wins the final round.

VI. Assistance

73. **Written Memoranda.** Although the students should do all the research and writing of the memoranda themselves - without assistance from anyone who is not a student member of the team - faculty advisors, coaches and others may help identify the issues, comment on the persuasiveness of the arguments the students have made in drafts and, when necessary, suggest other arguments the students might consider employing. However, the final product must be that of the students - not their advisors. A certificate signed by either person whose name appears on the registration form stating that no person other than a student team member has participated in the writing of the memorandum must be submitted with the hard copies of the memoranda.

74. **Oral Hearings.** There is no restriction on the amount of coaching that a team may receive in preparation for the oral hearings. It is expected and encouraged that teams will have practice arguments, whether against other members of the team or against other teams that will participate in the Moot.

75. In each oral hearing two members of the team will present the argument. No communication with other members of the team who may be present at the hearing is permitted.

76. One purpose of the Moot is to develop the art of advocacy in international commercial arbitration proceedings. Observance of the performance of other participants is one way to develop that art. Therefore, attendance of team members at the arguments of other teams is permitted, except that no team, or friends or relatives of members of a team, is permitted to attend arguments of other teams against which it is scheduled to argue at a later time in the general rounds. Violation of this rule will disqualify a team from participation in the elimination rounds.

VII. Awards

77. The awards given in the Moot are:

- Pieter Sanders Award for Best Written Memorandum for Claimant.
- Werner Melis Award for Best Written Memorandum for Respondent.
- Martin Domke Award for Best Individual Oralist. This award for the general rounds will be won by the individual advocate with the highest average score during these rounds. To be eligible for this award a participant must have argued at least once for the claimant and once for the respondent.
- Frédéric Eisemann Award for Best Team Orals. This award will be made to the winning team in the final round of the oral hearings.

VIII. Interpretation of the Rules

78. Requests. For interpretation of these rules, requests may be addressed to the Institute. All interpretations, as well as any waivers, consents, or other decisions are at the discretion of the Institute in its administration of the Moot.

IX. Mailing Address

79. All communications in regard to the Moot should be sent to:

Professor Eric E. Bergsten
Schimmelgasse 16/14 or 16
A-1030 Vienna

Austria

Tel: (43-1) 713-5408

Fax: (43-1) 713-5408

E-mail: eric.bergsten@chello.at

Modifications of the Rules between the Twelfth and Thirteen Moots other than changes in dates

1. Only six hard copies of each memorandum are to be sent rather than twenty.
2. Teams that enter the elimination rounds will NOT be furnished with the memoranda of the teams against which they are to argue.
3. Paragraph 22 has been re-written to clarify the situations in which facts that are not in the record may be presented to the tribunal in the memoranda and the oral hearings.
4. The registration fee has increased to €600 or US\$800.