



East Asia
Branch

CIARB

Fifth Annual

WILLEM C. VIS (EAST)

INTERNATIONAL COMMERCIAL ARBITRATION

MOOT

Hong Kong SAR, China

October 2007 - March 2008

Oral Arguments

3 – 9 March 2008

Organized by:

The Chartered Institute of Arbitrators

(East Asia Branch)

Hong Kong International Arbitration Centre

38/F, Two Exchange Square

8 Connaught Road Central, Hong Kong SAR

Hosted by:

The School of Law of Chinese University of

Hong Kong

Graduate Law Centre, 2/F Bank of America Tower,

Central, Hong Kong SAR

THE RULES

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. In the Fourteenth Annual Moot held in Vienna in 2006-2007, 177 law school teams participated. Around 1100 students were members of the teams. The Moot was judged by 500 lawyers and professors from around the world.

2. The Hong Kong event ("Vis East") was organized for the first time in 2003 - 2004 in order to afford more law students, particularly from Asian jurisdictions, the opportunity to participate in the Moot. Like the Vis Moot in Vienna, the Vis East welcomes students from all jurisdictions. Fourteen schools participated in the first Vis East, which welcomed 150 students, coaches and arbitrators from Asia, Europe and America. The Fourth Vis East grew to 46 schools and nearly 400 participants.

3. **Goals.** The Arbitral Moot in Vienna and the Vis East ("the Moot") are intended to stimulate the study of international commercial law, especially the legal texts prepared by 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. A complementary social program at the time of the oral hearings promotes friendships that can last long after the Moot itself is over.

4. The Willem C. Vis East International Commercial Arbitration Moot, like the Vienna event, is designed to be a multi-faceted educational program 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. The Vis East is a sister to the Vienna moot, using the same Problem and essentially the same rules. The two events are however, two separate competitions with separate registration procedure, separate registration fee, and separate awards. The Vis East is not a regional elimination for Vienna, and any law school may participate in both events, subject to certain rules set out below governing eligibility of oralists and memoranda.

II. Organization of the Willem C. Vis (East) International Commercial Arbitration Moot in Hong Kong

5. **Sponsors and Supporters.** The Vis East is sponsored by the Chartered Institute of Arbitrators (EAB) and hosted by the Chinese University School of Law. It is also supported by a number of arbitration bodies and business entities, including: Pace University, The International Court of Arbitration of the International Chamber of Commerce, Hong Kong International Arbitration Centre, the International Law Association, Lawasia, the United Nations Commission on International Trade Law (UNCITRAL), arbitralwomen and CIETAC.

6. The Vis East consists of the preparation of a memorandum for claimant, a memorandum for respondent and oral hearings.

7. **Venue.** The Vis East oral hearings will be held in Hong Kong, at the School of Law of Chinese University. The general rounds and semi-final rounds will take place from Tuesday to Saturday, 4 - 8 March 2008. The final round will take place on Sunday, 9 March 2008 at the Hong Kong International Arbitration Centre.

8. The first event during the oral hearings week is a welcome party and official opening, for student participants, coaches and arbitrators, on the evening of Monday, 3 March 2008. The gala awards banquet, on Sunday afternoon 9 March, concludes the Vis East events.

9. **Language.** The Vis East Moot will be conducted in English.

RULES

I. Registration

10. Registration in the Vis East 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 1 December 2007, registration prior to distribution of the Problem on 5 October 2007 is desirable.

11. 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.

12. **Registration fee.** The registration fee is US\$800 or HK\$6,250. The registration fee must be paid by 1 December 2007 in order to compete in the Vis East, unless the Hong Kong Director has specifically agreed to a later date. Payment of the registration fee should be made by cheque or transfer payable to the *Chartered Institute of Arbitrators East Asia Branch, HSBC account #004-002-554830-001*. SWIFT CODE: HSBC HK HHH KH. **All transfer fees MUST be paid by the transferor. Any transfer fees charged to the Moot bank account will be notified to the sending team for payment at a later time.** The transfer must NOT be payable to Chinese University or it will be refused by the Bank. **The transfer must also indicate the name of the school for which the registration fee is being paid in order for the account of the participating school to be credited.**

13. Cheques must be sent to the Chartered Institute of Arbitrators (East Asia Branch) at HKIAC, 38/F, 2 Exchange Square, Central Hong Kong. The name of the school must be clearly indicated on the back of the cheque. The registration fee is paid only when the Chartered Institute has received the cheque or the payment has been credited to the above-mentioned account at HSBC.

14. The registration fee includes an invitation to the welcome party for all team members, coaches and accompanying persons on Monday 3 March 2008. It also includes tickets for the awards banquet on Sunday, 9 March 2008, following the Final Round of hearings, for a maximum of four team members registered in Hong Kong, plus one accompanying team coach. Additional team members and accompanying persons are also welcome to attend, but will be asked to pay HK\$550 for the extra tickets on or before 4 March. The tickets must be presented for admission to the banquet. Lost tickets will not be replaced.

15. The registration fee of a team whose registration is withdrawn prior to 5 December 2007 (ie., the day the memorandum for claimant is due) will be refunded in full, after deduction of a US\$50 handling fee.

16. 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 adversely affects 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.

17. **Registration form.** The Team Registration Form includes space for two names and addresses. All communications concerning the Vis East 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. The e-mail account must accept messages with attachments of up to two megabytes, which many free e-mail accounts (hotmail, yahoo, etc) cannot do. 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 all communications sent to all teams or to the team in question.

18. Communications between the team and the Hong Kong Director through anyone other than the designated person are at the risk of the team.

II. The Problem

19. **Subject Matter.** The Problem in the 2007-2008 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).

20. **Dispute Settlement.** The controversy is before an arbitral tribunal pursuant to the JAMS International Arbitration Rules. 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 all parties to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York Convention).

21. **The Arbitration.** By the time the Vis East 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 competition involves writing memoranda and oral argument in support of the positions of the claimant and respondent.

22. **Distribution.** The Problem will be distributed on Friday, 5 October 2007, by posting on the Moot's Web site and the Vis East website. The URL for the Moot is <http://www.cisg.law.pace.edu/vis>. The URL for the Vis East Moot is <http://www.cisgmoot.org>.

23. **Facts.** The facts in the dispute that is the subject matter of the competition are given in the Problem. No additional facts may be introduced unless they are a logical and necessary extension of the given facts.

Examples:

(a) The subject matter of the dispute in the Fourth Vis 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 (Second Vis East) 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 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.

24. Statements of fact alleged by a team that do not qualify under the preceding section are not true. Therefore, basing an argument on any such alleged facts will be considered to be in breach of the rules of the competition 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.

25. **Clarifications.** Requests for clarification of the Problem may be sent to the Hong Kong Director prior to 25 October 2007. 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 will be ignored. Requests should be addressed solely to

the following dedicated e-address: clarify@cisgmoot.org, with the word “clarification” in the subject line.

26. Clarifications issued by the Institute of International Commercial Law in the form of a Procedural Order from the Arbitral Tribunal will be distributed to all teams by e-mail and posted on the Vis websites on or before 31 October 2007. Teams are responsible for making sure that they have received the clarifications even if they were not registered as of 31 October. Clarifications issued in the name of the Arbitral Tribunal become part of the Problem.

III. Teams

27. **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 either admitted or licensed to practice law is eligible to participate. No student may argue in both the Vienna and Hong Kong competitions in the same year.

28. Teams may include former participants. However, except with written permission from the Director of the Vis East, students who have participated in an argument after an elimination round in a previous Arbitral Moot (whether Round of 32 in Vienna, or Round of 16 in Hong Kong), may not participate in the oral arguments. Eligibility to participate in the competition is determined as of 6 December 2007.

29. **List of team members.** The list of team members competing in Hong Kong must be submitted to the Hong Kong Director by email as a separate computer file at the time the memorandum for claimant is submitted. 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 the Hong Kong Director by e-mail, prior to the first oral rounds.

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

31. 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 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

32. **Memoranda.** Each team must submit a memorandum in support of the claimant's position to the Vis East administration by e-mail by 6 December 2007. Each claimant's memorandum will be sent to one of the other teams by e-mail by 12 December 2007, 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 6 December 2007 will be considered not to have completed registration for the Moot and will not be able to compete.

33. 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 Hong Kong Director 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 17 January 2008. Teams who fail to submit the memorandum for respondent by 17 January 2008 will be considered to have withdrawn from the Moot.

34. 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.

35. A law school that participates in both the Vienna and the Hong Kong Moots is encouraged to submit separate memoranda to the two Moots. However, if the same memorandum for claimant is submitted to both Moots, it can be entered into the competition for best memorandum in only one of them. **Therefore, when submitting the memorandum for the claimant, all law schools that participate in both the Moot in Vienna and the Vis East Moot in Hong Kong must indicate to the administrators of both Moots whether the same or separate memoranda have been submitted. If the same claimant's memorandum has been submitted to both Moots, a statement must be made to the administrators of both Moots stating in which competition the memorandum should be considered for the award for best memorandum.** Since the memorandum for respondent must be responsive to the memorandum for claimant sent to the team, the memoranda for respondent will necessarily not be the same. **However, if the same respondent's memorandum is used for both the Vienna and the Hong Kong events, the law school submitting the memorandum must indicate to the administrators of both Moots in writing, in which of the two events they wish to enter the memorandum for consideration for best respondent's memorandum.**

36. **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.

37. 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. The List of Authorities must reference to the paragraph in the memorandum where the case or doctrinal authority is cited.

38. 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 (U.S.)” and a decision of the Supreme Court of Germany might say “BGH 31 October 2001”.

39. 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 competition. Most of the readers of the memorandum will be from other countries. The style of citation of judicial decisions or articles in legal journals that is common in one country may not be intelligible to participants from other countries. Therefore, deviation from the standard style of citation in your country may be appropriate.

40. 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 the applicable institutional Rules, and that may not be known to teams or arbitrators from other legal systems. Similarly, care should be taken to write in a formal English style that would be appropriate for submission to a court or arbitral tribunal. In particular, slang or contractions (aren't, didn't) should not be used.

41. Memoranda may be no longer than thirty-five (35) 8^{1/2} 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.

42. No type style smaller than 12 point may be used. The memorandum should be typed at 1.5-line-spacing. All margins must be at least one inch or 2.5 cm. Reproduction of all copies must be full sized and clear.

43. Memoranda that are longer than 35 pages of facts and argument, or 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.

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.

45. Memorandum Revision. A memorandum may not be revised once it has been submitted to the Hong Kong Director, including for missing pages, typographical or grammatical errors or for problems caused by faulty computer software. Sufficient time should be left prior to submission to verify the text to be submitted.

46. Scoring of Memoranda. A jury selected by the Chartered Institute of Arbitrators (EAB) will score the memoranda on the basis of the quality of the analysis, persuasiveness of argument, thoroughness of research and the clarity of the writing. 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, jurors will consider 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 there is a sufficient number of jury members available, each memorandum will be submitted to at least three jury members. On the basis of the results from the first round of judging, certain memoranda will be selected for submission to a separate international jury for determination of the winners of the awards for best memorandum in each category.

48. Submission of Memoranda. The memorandum must be submitted by e-mail 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. Care should be taken that a PDF file does not exceed one megabyte. Memoranda that do exceed one megabyte will be returned with a request that they be converted to a smaller file or that the memorandum be submitted in Word, WordPerfect or RTF 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 memorandum for claimant and for respondent should be sent to:

Louise Barrington, Hong Kong Director

Vis East International Arbitration Moot

E-mail: director@cisgmoot.org

Fax: + 852 3529 2114

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

Memorandum for claimant:

E-mail: 6 December 2007

Memorandum for respondent:

E-mail: 17 January 2008

51. Receipt of e-mailed copies of the memoranda will be acknowledged.

52. The designated contact person for each team will be sent the memorandum for claimant of another team, to which a memorandum for respondent must be prepared. The memorandum will be sent by e-mail by 12 December 2007, 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 2007.

53. On 21 January 2008, 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.

54. 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.

55. **Copyright.** Memoranda once submitted shall be the property of the organizers of the Vis Moot and the Vis East and may be copyrighted by them.

V. Oral Hearings

56. **Venue.** The oral hearings for the Vis East will be held at the School of Law of Chinese University of Hong Kong, in Hong Kong SAR, China.

57. **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.

58. The general rounds will be scheduled so that, in principle, each team will argue once per day on Tuesday, Wednesday, Thursday and Friday. 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.

59. **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.

60. **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.

61. **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.

62. **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 affirmative defense, the panel may ask it to present its arguments on that issue before the claimant responds to it.

63. 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.

64. **Exhibits.** No exhibits may be used during the oral arguments that do not come directly from the Problem. Exhibits that are designed to clarify time sequences or other such matters may be used, but only if the arbitrators and the opposing team are in agreement. For technical reasons, the exhibits may not consist of overhead or Power Point projections or require the use of a stand.

65. **Scoring.** Each arbitrator will score each oralist on a scale of 25 to 50. The scores of the two oralists will be added to constitute the team score for that argument. Therefore, each team could score a maximum of 100 points from each arbitrator in every argument, that is, a 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. **Eighth Final Elimination Round.** After the general rounds, the scores of each team for its oral presentation in the four arguments will be totaled. The sixteen teams that have obtained the highest composite scores will meet Saturday morning, 8 March 2008 at 9.00 am. If there is a tie for 16th 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 sixteenth, the second and fifteenth, etc. will argue against one another. Ranking of the teams in the

General Rounds will not be divulged except to the teams concerned after the close of the competition.

67. **Quarter Final Round.** The eight winners of the Round of 16 will meet in the Quarter Final round on Saturday 8 March 2008 at 12 noon.

68. **Semi Final Round.** The four winners of the Quarter Final Elimination Round will meet in the Semi Final round on Saturday 8 March 2008 at 3.00pm.

69. **Final Round.** The two winners of the Semi Final Round will meet in the Final Round on Sunday at 9 March 2008 at 10.00 am, at Hong Kong International Arbitration Centre.

70. **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, when one of the two teams in the preceding round was claimant and the other was respondent, they will argue for the opposite party to the one they represented in the 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.

71. **Winning Team.** The winning team of the oral phase of the Vis East is the team that wins the final round.

VI. Assistance

72. **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 memoranda.

73. **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. The only restriction is that no team should have a practice argument against a team it is scheduled to meet in either the Vienna or Hong Kong Moot.

74. 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.

75. One purpose of the Vis East 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 friend or relative of a member 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 subsequent rounds. Schools sending teams to both Vis East and the Vis Moot in Vienna should not attend arguments in Hong Kong of schools they are scheduled to meet in Vienna.

76. **Filming of Arguments.** Filming of arguments is permitted if done with the agreement of the other team and the arbitrators. Filming must be done in such a way as not to disturb the argument.

VII. Awards

77. The awards to be given in the Vis East are:

Eric Bergsten Award:

For Best Written Memorandum for Claimant in the Vis East competition

Fali Nariman Award:

For Best Written Memorandum for Respondent in the Vis East competition

Neil Kaplan Award:

For Best Individual Oralist in the Vis East competition.

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.

David Hunter Award:

For Best Team Orals. The winning team in the final oral round of the Vis East competition

VIII. Interpretation of the Rules

78. **Requests.** Requests for interpretation of these rules or clarifications of the Problem are to be addressed to the Hong Kong Director, Chinese University of Hong Kong, School of Law, at e-mail: clarify@cisgmoot.org. They will automatically be forwarded to the Vis Moot Association. All interpretations, as well as any waivers, consents, or other decisions are at the discretion of the organizers of the Arbitral Moot and the Vis East.

IX. Mailing Address

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

Louise Barrington, Hong Kong Director

Williem C. Vis (East) International Commercial Arbitration Moot

c/o Hong Kong International Arbitration Centre

38/F Exchange Square Two

Central Hong Kong SAR,

China

E-mail: director@cisgmoot.org

Fax: + 852 3529 2114

Modifications between the Fourth and Fifth Vis East Moots

(other than date changes)

The only modification of significance was in regard to the filming of arguments as described in paragraph 76.