

ASIA PACIFIC VIS  
PRE MOOT



# ASIA PACIFIC VIS PRE MOOT

10 - 13 February, 2022

## RULES & REGULATIONS



**RULES & REGULATIONS FOR  
ASIA PACIFIC VIS PRE MOOT 2022**

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## CHAPTER I

### 1 Short Title and Commencement:

1.1 These rules may be called Asia Pacific Vis Pre Moot Rules 2022 and shall be enforced from the date of publication on the official website of [Asia Pacific Vis Pre Moot 2022](#), on 7<sup>th</sup> October 2021.

1.2 The rules shall be final and binding during the course of this competition.

2 **Definitions:** in these rules, unless there is anything repugnant in the subject or context, -

2.1. “*Bench*” refers to the members duly invited by the core committee, to adjudge any of the rounds, virtually;

2.2. “*Clarifications*” means explanation published by the organisers on the moot problem, at any point of time of the competition or a query posed by any competing team within the given deadline;

2.3. “*Competition*” means Asia Pacific Vis Pre Moot 2022;

2.4. “*Core Committee and Mentors*” or “*Organising Committee*” means the governing body-student-faculty-staff-support members body appointed for the administration and smooth conduct of the competition, including all other members conferred with powers on ad-hoc basis by the “Ex-officio Chairperson or Faculty In – charge” of the competition;

2.5. “*IST*” shall refer to Indian Standard Time.

2.6. “*Moot Problem*” means a set of facts and issues published by the organising committee of the competition with its clarifications and corrections for purpose of this competition;

2.7. “*Oral Round*” refers to the oral pleadings made by the teams virtually, either by submission of audio-visuals or video-conferencing before the bench as per the requirements of the rounds for assessment, including time given for rebuttal;

**2.8.** “*Team Code*” means a unique code assigned by the Organising Committee to the registered team;

**2.9.** “*Team*” means and includes only bona fide representatives of a law school or from another University or post-university level or any other department recognized/authorized to impart law degrees, and who have applied and registered for the competition by complying with the procedure prescribed in these present rules;

**2.10** “*The Rules*” refers to the Asia Pacific Vis Pre Moot 2022 Rules.

**3. Interpretation:** The Core Committee the right to interpret the rules at their discretion, in the interest and equity of the competition. The Core Committee and Mentors reservethe right to amend, modify, alter or repeal any rule and same shall be communicated to the teams as and when necessary. The decision of the Core Committee shall be irrefutable, final and binding.

## CHAPTER II

### 1. Eligibility:

- i. Teams may come from any law school where the students may either be registered for a first degree or for an advanced degree (including PhD). If a team does have a team member who is studying for an advanced degree, they should contact the Organizing Committee who will let them know of their eligibility, it will be decided on a case by case basis.
- ii. No student who has been licensed to practice law is eligible to participate except with permission of the Asia Pacific Vis Pre Moot Core Committee and Mentors.
- iii. Participation of Differently-abled Person(s) is encouraged.
- iv. There is no limitation on number of students who may be members of a team. A maximum of eight students may compete in oral arguments.
- v. Any Team registering for the 29<sup>th</sup> William C. Vis International Commercial Arbitration Moot and the 19<sup>th</sup> Vis East Moot may also register for the Asia Pacific Pre Vis-Moot 2022.

2. **Registration:** Registration in the competition is a one-step process consisting of completion of the registration form.

Although registrations will be accepted until **January 10<sup>th</sup> 2022**, completion of the registration forms, as early as possible to avoid disappointment.

Receipt of the registration form will be acknowledged via email to the team contact person(s).

### 3. Registration Form.

- i. The registration form includes space for the name and address of the contact person. All communications concerning the Moot will be posted in the team account and sent by e-mail to the nominated contact person.

- ii. Login credentials for Team Login Portal will be generated for every registering team and accordingly be shared with the nominated contact person.
- iii. Every detail, update and all relevant material would be uploaded on the Team Login Portal.
- iv. Link to access the Team Login Portal would be shared with the mail acknowledging the registration of team(s).
- v. It is the nominated person's responsibility to distribute all relevant material to the team including the Login Credentials. There is an opportunity to include a second email address for contact purposes.
- vi. Teams are responsible for ensuring that the contact person information contained in the team account is kept up to date.

### **3.2. Refusal or Cancellation of Registration.**

The Core Committee reserves the right to refuse or cancel the registration of any team, and such refusal or cancellation is in the absolute discretion of the Core Committee. When exercising their discretion, the Core Committee will have regard to, but are not limited to, the conduct of teams and violation of The Rules.

**3.3. Communications between the team and the Core Committee other than through the Team account are at the risk of the team.**

### **3.4. Arbitrators**

(i) To register as an arbitrator, please complete the online registration form accessible on the Vis Pre-Moot webpage: <https://asiapacificvispre moot.com/>

Upon submission of the registration form, the applicant will receive an email confirming receipt of the registration form from the Core Committee. Please note this automatically generated email does not amount to a confirmation of an arbitrator by the Organising Committee. A separate email (i.e. either confirming that the application is successful or specifying the criteria which has not been met) will be sent to all applicants upon review of applications by the Organising Committee.

- (ii) A successful applicant must satisfy the following criteria to be confirmed as an arbitrator:
- (a) Experience in international and/or domestic arbitration (arbitrator, counsel, tribunal secretary, expert witness, etc.). Applicants with experience in other forms of ADR are subject to approval by the Core Committee;
  - (b) Applicants who are not immediately a part of the legal profession are also eligible to apply as an Arbitrator if they can show sufficient experience in the field of arbitration. The decision as to their eligibility is at the sole discretion of the Core Committee
  - (c) Students enrolled at JD or LLB programs, or other equivalent law degree programs, may not participate as arbitrators. Students enrolled at LLM, PhD or other post-graduate degree programs, as well as fresh law graduates pursuing their bar course, Pupillage or other relevant pre-qualification programmes, may be considered by the Core Committee on a case-by-case basis; and
  - (d) Preference will be given to applicants with experience in Arbitration moot court competition(s)

## **CHAPTER III**

### **1. Dress Code**

Teams are expected to be dressed in professional attire and adhere to a professional dress code throughout the Asia Pacific Pre Vis Moot Competition 2022.

### **2. Oral hearings**

**2.1. Virtual Oral Hearings:** The oral hearings would be held in form of a virtual hearing by use of a videoconferencing platform. Details of the selection of the platform and specific rules for the conduct of the virtual hearing would be communicated at a date prior to the competition.

**2.2. General Rounds:** Each team would argue four times in the general rounds, twice as claimant and twice as respondent. Teams would bear the risk of any misunderstandings arising from different time zones. As far as possible, the Organising Committee will consider the location of the teams when preparing the schedule.

**2.3. 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. If a team includes a member who is differently-abled and is presenting oral arguments in the competition, then a reasonable extension of time should be granted to that member of the team if it is required. If there is a need the organisers may provide a sign language interpreter to that team member. A team with a team member who requires any extra support in the preparation and presentation of their oral arguments in a fair and equitable manner then that team should contact the Organising Committee and the extra support will be provided as far as possible within the constraints at the time

**2.4. Questions by Arbitrators:** The arbitrators are requested to act during the oral hearings the way they would in a real arbitration taking into account that this is an educational exercise. There are significant differences in style dependent both on individual personalities and on perceptions of the role of an arbitrator (or judge) in oral arguments. 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.

**2.6. 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 such defence, the panel would normally ask the respondent to present its arguments on that issue before the claimant responds to it.

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.

**2.6. Scoring:** Team performance of the Speakers shall be judged in all rounds out of 100 Marks on the basis of following criterion

- Knowledge of the Facts including creative use of facts and Laws;
- Application of Laws to the Fact and Interpretation;
- Argumentative Skills and Response to Questions;
- Clarity of Thoughts, Creative thinking and Expression; and
- Skills of advocacy and Court Mannerisms.

Note for participants - To ensure uniformity in marking in each court room to do away with subjectivity to an extent, the points scheme given as below will be followed for marking the speakers.

Excellent	Very Good	Good	Average	Poor
5	4	3	2	1

## **2.7. Rounds:**

**2.7.1. General Round:** After the General Round, the scores of each team for its oral presentation in the four arguments will be totalled. Eight teams that have obtained the highest composite scores will meet in the Quarter Final. If there is a tie for, the decision as to which team will enter the Quarter Final Round will be determined on the basis of scoring in “Knowledge of the Facts” including creative use of Facts and

Laws. 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.

**2.7.2 Quarter-Final Round.** The eight highest scoring teams in the General Round will meet in the Quarter- Final Round.

**2.7.3 Semi-Final Round.** The four winning teams of the Quarter-final Round will meet in the Semi-Final Round.

**2.7.4 Final Round.** The two winning teams of the Semi-final Round will meet in the Final Round.

**2.7.5 Determination as to which team is claimant and which is respondent.** There will be an oral exchange before each and every round. It will be decided by coin toss who will be arguing as claimant or respondent in each qualifying round.

**2.7.6 Winning Team.** The winning team of the oral phase of the Moot is the team that wins the Final Round and is the recipient of the Award.

### **3. ASSISTANCE**

**3.1 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 APAC Pre Vis Moot. If a team needs extra assistance in arranging practice rounds, please contact the Core Committee who will endeavour to assist by putting teams in contact with each other for this purpose.

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.

**Filming of arguments:** Filming of arguments is not permitted by individuals or teams. The Core Committee shall at its discretion organise filming of the arguments. They will be released only with the express permission of both teams and for educational purposes alone.

## CHAPTER IV

1. **Communications:** All communications in regard to the Asia Pacific Vis Pre Moot 2022 should be sent to the Asia Pacific Vis Pre Moot 2022 Organizing Committee at [contact@asiapacificprevismoot.com](mailto:contact@asiapacificprevismoot.com) .
2. **Privacy and Data Protection:** The Moot Committee shall comply with the relevant Data Protection Laws and further undertakes not to disclose the confidential information to any third party.