



ANNUAL WILLEM C. VIS
INTERNATIONAL COMMERCIAL
ARBITRATION MOOT

VIRTUAL VIS MOOT RULES

Vienna, Austria
2020/2021

ONLINE Hearings
27 March - 1 April 2021



INTRODUCTION

The Virtual Vis Moot replaces the oral hearings of the 28th Willem C. Vis International Commercial Arbitration Moot which could no longer be held in person due to the COVID-19 pandemic. The Virtual Vis thus enables participation of teams registered at 28th Vis Moot in the oral hearings.

The following Virtual Moot Rules (“Virtual Moot Rules”) are intended to replace (where indicated) and otherwise supplement the existing Rules of the Vis Moot (“the Rules”) for the purpose of the participation in the online oral hearings. With all other aspects of the Moot, the Rules remain unaffected. The Rules and the Virtual Moot Rules are available on the Vis Moot website www.vismoot.org.

The written part of the 28th Vis Moot remains unaffected by the Virtual Moot Rules.

Eligibility

1. Any registered team of the 28th Vis Moot is eligible to take part in the Virtual Vis Moot, except:
 - a. Teams which have formally withdrawn on or before 10 December 2020, or
 - b. Teams that have not submitted both a Claimant’s Memorandum and a Respondent’s Memorandum.
2. The deadline for registering to participate in the online hearings was 27 November 2020. No further teams may be accepted after that date without explicit permission of the Moot Directors.

Technical Notes

3. The Online Vis Moot will be hosted by IDRC – International Dispute Resolution Centre and conducted with the help of Zoom <https://zoom.us/>
4. We recommend all participants to use a desktop or laptop device for the Vis Moot. As back-up, you can also join with phones, tablets or iPads. System requirements will vary depending on the device you are using and its operating system.
5. Details can be found here: <https://support.zoom.us/hc/en-us/articles/201362023-System-requirements-for-Windows-macOS-and-Linux>
6. Technical Requirements: a PC/notebook, camera (if not integrated in your computer) and a stable internet connection (required speed of 0.5 Mbps is recommended for HD quality video.) External cameras and microphones may provide better quality and audio-visual experience. Compliance with these technical requirements is highly recommended to enable a smooth operation during the online oral hearings.
7. Each team and arbitrator is requested to find a suitable venue from where participation in the virtual oral hearings is possible without unnecessary disturbances. The venue must be a quiet location with a reliable internet connection. Locations in public and open spaces or hallways or cyber cafes or similar areas are NOT permitted.

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8. Teams and arbitrators shall take necessary precautions that the technical equipment used for the online oral hearings has sufficient power supply to last for at least two hours without interruption.
9. During the argument, cameras shall remain directed on the oralists at all times.
10. Team members who do not plead, coaches and other observers are asked to switch off the camera during the entire time. Additionally, they shall be muted until the end of the hearing.
11. Teams/Arbitrators shall mute their microphones when they are not speaking to help good audio quality and prevent unnecessary interferences in the arguments. The presiding arbitrator will monitor and control this, and will request short interruptions if it becomes impossible to hear an oralist because of noise or other interference. Where the presiding arbitrator needs to stop the session then Rule 22 and 25 shall apply.
12. The finals will be recorded and timed. The recorded finals will be made available via a live stream as well as a YouTube video after the conclusion of the Virtual Vis Moot. General round argument might be recorded for research purposes connected with the aims of the Vis Moot. If the hearings are recorded, individual consent will be asked at the time of the hearing. Any recordings made will NOT be used for management purposes to run the Moot or any policy decisions regarding the conduct of the oral hearing or the individual and/or team scores. The recordings are only used for anonymous research purposes, which will not disclose the identification or names of any individuals.

Procedure for Participating in the virtual hearings

13. Teams/Arbitrators participating in the online hearings will receive the following information via the team/arbitrator account
 - a. the date and time of the hearing (please note that all hearings take place according to Vienna time)
 - b. the information about the teams competing against each other
 - c. a Zoom link to access the virtual hearing room
 - d. the memoranda of the opposing teams
14. If you don't have an account with Zoom, please sign up at <https://zoom.us/signup> using the same email address that you have provided as first contact email address in your arbitrator account or as general contact email for each participant in the team account, to ensure you will be pre-assigned to the correct Hearing Room. Please ensure you download the Zoom Client for Meetings (found here: <https://zoom.us/download>).
15. As a team, please sign up using the following format for your name: ABBREVIATED TEAM NAME, SURNAME + INITIALS (e.g. Uni of Sydney, Doe M.). As an arbitrator, log in with your full name + "(ARB)" at the end (e.g. John Smith (ARB)).
16. After joining via the link, you will enter the Waiting Room (see image below) and the Moderator will admit you as soon as possible. Please join up at least 15-20 minutes before the start of the hearing. After the admittance, the Moderator will then assign you to your respective Hearing Room (via the "Breakout Room" feature on Zoom).
17. All rooms hearing rooms will be named with the party (e.g. University of Sydney -v- University of Eastern Finland). For purposes of the Vis Moot, there will be a separate Arbitrators Room also named with the party names together with "ARB" for the

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arbitrators to deliberate in before and after each round. The room or party names may be abbreviated.

18. In the week before the online hearings, webinars to walk everyone through the technique will be available. Details can be found here: <https://www.vismoot.org/28th-vis-moot/> Additionally, recordings of these webinars will be made available on the Vis Moot website as well as respective handbooks for teams and arbitrators are available on our YouTube channel (<https://www.youtube.com/channel/UCn1HFgJ7IJzzT-9vYU7kpaw>)
19. At the beginning of the session the chat function in the online hearing room should be used to indicate the names and the university of each oralist. First, the claimant oralists should state their name, starting with the oralist dealing with the procedural issues. Second, the respondent oralists should state their name in the same order. Arbitrators should cut and paste the name of the oralists from the chat function.
20. The chair of the arbitral tribunal will read out the following text, once for each team: "Do you, the students of [name of the team], arguing on behalf of the Claimant/Respondent, solemnly promise that you will comply with the Rules of the Vis Moot and the Virtual Vis Moot Rules, and that you will not communicate with or in any way receive help from your coaches, fellow team mates or anyone else other than the second oralist during this argument?" Both oralists in the team then reply, "We do solemnly promise."
21. Each team is responsible for keeping track of its time to ensure it does not take more than the 15 minutes allotted to it without first obtaining permission from the tribunal. Frequently, teams will suggest that each oralist take 14 minutes for their presentation, reserving one minute for rebuttal or sur-rebuttal. This is not obligatory, and the teams and tribunal may agree on any other distribution of time provided each team is given equal opportunity to present their arguments. The presiding arbitrator or another designated member of the arbitral tribunal will monitor the teams' timekeeping.
22. If a connection is lost due to a technical issue, the teams and arbitrators should try to re-establish connection. If it is impossible for technical reasons to complete the argument within the two hours, the presiding arbitrator may extend the time allowed by the Virtual Moot Rules for up to one hour of extra time. This extra time is only meant to address technical issues and not to extend the oral hearing for the purpose of extending the time for presenting arguments.
23. If an arbitrator is not able to join a session for any reason whatsoever then the teams and/or other arbitrators should inform the Moderator of the session or send an email to reserve-arbitrators@vismoot.org with the name of the missing arbitrator. A replacement arbitrator will be organised out of a pool of reserve arbitrators.
24. If a connection to an arbitrator is lost during the session of the online oral hearing, the two remaining arbitrators shall continue to conduct the online oral hearing. That arbitrator who was unable to participate in the entire session shall score only the oralists he/she has heard. For the other oralist(s), the missing score will be reached by adding the average of the two arbitrators who were in attendance throughout the online session. If a second arbitrator loses the connection and cannot be reconnected within 15 minutes, the remaining arbitrator will complete the argument and a single score will be entered for each oralist for that argument and multiplied by three.
25. If it is impossible to complete the argument within the extra time as provided in Rule 22, that argument will be declared void by the tribunal. In case of a void argument, the scores of the remaining completed sessions of a team will be averaged to provide

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their missing scores. If two arguments are declared void for technical reasons, the two remaining completed sessions will be used to provide those teams scores. A minimum of two completed sessions is necessary for a team to remain in the competition.

26. At the end of the argument, the teams will remain in place while the arbitrators leave the virtual “room” to confer privately for a maximum of 10 minutes about scoring and comments.
27. The arbitrators will then join the teams again for feedback for a maximum of 10 minutes. The arbitrators **MUST NOT** at any time divulge the scores to the teams. The teams then exit the room.
28. Each arbitrator completes his or her Scoresheet and returns it via email to secretariat@vismoot.org the organizers **immediately** after the session. There will be an explanatory video available on the Vis Moot website a week before the start of the oral hearings.
29. The scores of the general rounds will be collected by the Vis Moot Organizers for the purpose of establishing which teams will proceed to the elimination rounds.
30. The number of elimination rounds remains the same. The times are the following:
 - a. Round of 64 – Wednesday, March 30. 08:00 A.M. (Vienna time)
 - b. Round of 32 - Wednesday, March 30. 11:00 A.M. (Vienna time)
 - c. Round of 16 - Wednesday, March 30. 14:00 P.M. (Vienna time)
 - d. Quarter finals - Wednesday, March 30. 17:30 P.M. (Vienna time)
 - e. Semi finals – Thursday, April 1. 09:00 A.M. (Vienna time)
31. By participating in the Virtual Vis Moot, all participants of the remote hearings consent that photographs and/or digital images (such as screen shots) are being taken of them for the use of promotional and/or educational materials of the Vis Moot. Participants agree to the use of their images for the described purposes and acknowledge that their identity may be revealed in connection with the published image(s). Participants authorize the use of these images without requesting any compensation. Consent to the use of photographs or any digital means can be withdrawn at any time by written notification to admin@vismoot.org.
32. By agreeing to participate in the Virtual Vis Moot, a team or arbitrator acknowledges that the Vis Moot Organizers have full and final discretion in managing the Virtual Vis Moot in order to ensure its implementation and to endeavour to make the hearings and scoring as fair as possible. The Virtual Vis Moot is an “emergency measure” to overcome the restrictions in organizing in-person hearings during the COVID-19 pandemic. The Vis Moot Organizers are thus not responsible for the failure of any argument due to equipment or system failure of either the platform or of any participant. The Vis Moot Organizers will make their best efforts to resolve or mitigate problems in the best way possible. Questions about the Virtual Moot or clarifications sought Rules should be directed to the Vis Moot Directors.

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