



20th Intercollegiate Negotiation Competition

# Handbook for Participants

(Sept. 5, 2021 version)

Steering Committee

Intercollegiate Negotiation Competition

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## Introduction

We started the Intercollegiate Negotiation Competition ("INC") in 2002 to provide students an opportunity to compete in mock negotiations and arbitrations with students from other universities in Japan and other countries. Our aim is to spark greater interest in negotiation and arbitration and provide an incentive for learning more about those fields. Our mission now is to offer young people good learning opportunities to become better negotiators so that they will create new values and settle differences so as to make a better world.

INC provides participants with both arbitration and negotiation opportunities in business settings, which specifically require them (i) to understand and learn the pros and cons of both negotiation and arbitration, (ii) to acquire oral and written negotiation skills in a language other than their own, (iii) to develop good teamwork in business settings, and (iv) to promote networking with various people including alumni of INC.

INC is a growing endeavor, which is supported by its sponsors, judges, teachers and past, present and future participants. Every year we attract more than 100 judges from the Japanese and international bar, Japanese and foreign universities, and internationally acclaimed companies. We hope that the efforts of all those who attend help make INC better as a whole.

Many of our judges are past participants of INC. They have demonstrated their leadership by helping the Leaders' Camp held in every autumn, assisting with practice matches held locally or coaching the students of the participating universities. We believe that their activities play an important role towards our mission: offering young people good learning opportunities to become better negotiators.

The Steering Committee hopes that participants gain something precious for their life, through preparation and performances for the two days of the competition.

The Steering Committee of Intercollegiate Negotiation Competition

# **I . About the Competition**

## 1. Overview

The Intercollegiate Negotiation Competition is a two-day invitation-based competition that is held every year, with both a Japanese-language division and English-language division. The Competition is sponsored by many organizations, such as The Sumitomo Group Public Affairs Committee.

We conduct arbitration of an international business dispute on the first day and negotiation on the second day. The problem is more than 30 pages long, including contract documents. Participants deal with international business matters between Red Corporation of Negoland and Blue, Inc. of Arbitria in a fictitious world, representing one of the parties, spending about two months in preparation for the two days of the actual competition.

The applicable substantive law is the UNIDROIT Principles of International Commercial Contracts 2016. For the arbitration round, each team has to submit its preliminary memorandum and the response prior to the competition date.

For the negotiation round, confidential information for Red Corporation and Blue Inc is provided to each side respectively, in addition to the general information provided to both. Each participant is assigned a role, such as vice president or manager of a specified division, and each person is expected to conduct negotiations from the perspective of the respective role.

The Competition is judged by many businesspersons, judges, lawyers, and university professors, including the alumni of this Competition. Learning opportunities from such professionals is one of the attractive features of the Competition.

## 2. Participating Universities and Winners in the Past Competitions

Participating universities and winners in the past Competitions are as follows:

		Number of Univ.	Number of Participants	Winner	2nd	3rd	4th	5th	6th	7th
1	2002	4	74	Tokyo						
2	2003	8	129	Tokyo	Kyushu	Sophia	Osaka			
3	2004	12	173	Tokyo	Kyushu	Hitotsubashi	Osaka	Doshisha	Sophia	
4	2005	14	205	Kyoto	Tokyo	Nagoya	Hokkaido/ Sophia	Hitotsubashi		
5	2006	16	209	Australia	Kyoto	Doshisha	Sophia	Nagoya		
6	2007	17	250	Australia	Tokyo	Hitotsubashi	Doshisha	Sophia		
7	2008	16	260	Tokyo	Hitotsubashi	Kyoto	Waseda	Sophia		
8	2009	15	240	Tokyo	Doshisha	Waseda	Kyushu	Sophia		
9	2010	17	270	Tokyo	Hitotsubashi	Osaka	Australia	Waseda /Sophia		
10	2011	19	263	Waseda	Sophia	Osaka	Keio	Tokyo		
11	2012	18	247	Keio	Waseda	Kyoto	Sophia	Kyushu		
12	2013	16	232	Tokyo	Nagoya	Kyushu	Chuo	Sophia		
13	2014	20	258	Tokyo	Kyushu	Australia	Keio	Sophia		
14	2015	21	251	Singapore	Tokyo	Osaka	Kyoto	Hitotsubashi		
15	2016	19	235	Australia	Singapore	Osaka	Sophia	Kyoto/ Hitotsubashi		
16	2017	28	293	Kyoto	Australia	Sophia	Chuo/Tokyo		Singapore/ Ritsumeikan	
17	2018	31	271	Australia	Singapore	Tokyo	Osaka	Sophia	Kyoto	Mongolia
18	2019	31	254	Tokyo	Australia	Sophia	Osaka	Chuo	Waseda	Beijing Normal
19	2020	29	233	Singapore	Australia	Tokyo	Chulalongkorn	Sophia	Osaka	Chuo

## 3. Resources

At the website of INC (<http://www.negocom.jp/eng/>) you will find selected

materials from the past symposiums and briefs provided by the winning universities.

In addition, reports regarding the previous Competition and comments from advisers, judges and participants are published in Japanese every year in the March issue of the legal journal "Hogaku Kyoshitsu".

## II. Overview of the 20th Competition, 2021

### Program and Schedule

(1) Date : November 6, Saturday and 7, Sunday, 2021

(2) Online Match using Zoom

(3) Program:

<Day1/November 6>

13:00 Opening Ceremony

14:00-18:00 Round A (Arbitration)

18:00-18:30 Evaluation

19:00-20:00 Virtual Welcome Party

<Day2/November 7>

12:00-16:00 Round B (Negotiation)

16:00-17:00 Evaluation

17:30-19:00 Closing Ceremony

(4) Time Schedule:

1. September 6 (Mon): Release of the Problem & Rules

2. October 8 (Fri), 15:00: Registration Deadline

3. October 9 (Sat):

Distribution of Confidential Information and Match Table

4. Deadlines for questions about the Problem and Rules:

September 30 (Thu), 15:00: 1<sup>st</sup> Deadline

October 12 (Tue), 15:00: 2<sup>nd</sup> Deadline

5. October 29 (Wed), Noon:

Deadline for Preliminary Memorandum for Round A

6. November 4 (Tue), Noon:

Deadline for Explanatory Memorandum for Round B &  
for Response for Round A

※The schedule is subject to possible modification.

※All times are based on Japanese standard time (GMT+9).

(5) Major Changes from the 19<sup>th</sup> Competition

(1) Zoom Operator

In the 19th competition, Official Staff designated by the Steering Committee were in charge of the operation of Zoom. In the 20th competition, each university will designate one Zoom Operator from the participants for each team to be in charge of the operation of Zoom. The Zoom Operator should be familiar with the operation of Zoom and be required to participate in the meeting for the Zoom Operators held by the Steering Committee (October 23, 11am-noon).

### (2) Presentation of materials during the round

In the 19th competition, when presenting materials to arbitrators, judges, or counterparty during rounds, the screen sharing function of Zoom was used and we required that the file be shared with the judges and the counterparty by the method designated by the Steering Committee. However, in the 20th competition, we have decided not to specify how files are shared, as long as they are shared securely.

### (3) How to proceed in Round A

Regarding the arbitration in Round A, the Rules of the 19th competition stipulated "The arbitration panel's method of procedure may vary from group to group. For example, in the past competitions, some panels focused on the parties' exchanges with the panel, other panels focused on the exchange and discussion between the parties, and still other panels allotted a few minutes within which each party is to make its assertions and reasoning with a short session for rebuttal." In the 20th competition, this rule will be amended as follows: " The method of proceeding with the arbitration will be one of the following: (i) The claimant and the respondent are each given a fixed amount of time to make their arguments of several tens of minutes, and then each is given a fixed amount of time for rebuttal (or, in some cases, re-rebuttal). The arbitrators may ask necessary questions during these arguments, and arbitrators may extend the time for argument for a certain period of time if the time for argument is insufficient due to questions and answers, or (ii) under the instruction of arbitrators, each party makes arguments and/or answers to questions of arbitrators, without allocating a fixed amount of time as in (i). Arbitrators may choose either method. In the case of (i), the "fixed time" will be specified later in a newsletter."

The reason of this amendment is that, in the practice of international commercial arbitration, although there are many cases in which parties are allotted a certain amount of time to present their case, there is no established method of proceeding, and in light of the practice of past competitions, it is considered appropriate that arbitrators may choose an appropriate method of

proceeding according to the state of preparation and arguments of each party. Therefore, all participants are requested to prepare for both ways of proceeding.

#### (4) Opening to the public of the Competition

In the 19th competition, the competition was streamed live on YouTube, and the rule stipulated "Friends and family of the participants and other observers are welcome to watch the competition online, provided they follow the necessary procedures and complete registration in advance." In the 20th competition, the opening and closing ceremonies, as well as matches, will be streamed live on YouTube again. The Steering Committee will provide the URL for the appropriate YouTube channels to each university, and each university may share the URL with persons to which each university would like to provide the opportunity to observe. However, in doing so, such a person must agree in advance that he/she will not record the video, and that the Steering Committee reserves the right to suspend publication, reject applications for observation, withdraw permission for observation, and take any other measures necessary for the smooth and appropriate operation of the competition at any time. In addition, the Steering Committee reserves the right to grant observation opportunities to sponsors and other interested parties as it deems appropriate.

### **III. Registration**

#### **1. Registration of participation**

- (1) Each participating university shall register by 15:00 on October 8 (Fri) (Japanese standard time), using the specified format on the website. The format will be available from September 6 (Mon).
- (2) Each university may register 1 or 2 teams for the Japanese language division and 1 or 2 teams for the English language division, in total up to 3 teams. Each team shall be composed of 4 or 5 members in principle. Provided, however, that if in the judgment of the Steering Committee there is a reasonable basis for doing so, from the standpoint of educational purpose or other reasons, the number of members and/or teams may be adjusted (Rule 4 (4)).
- (3) Upon registration, please designate the names of the representatives and one or more instructors of your university, in accordance with Rule 4(6). Also, please designate the name of the person who will be the Zoom Operator for each team.



- (4) If any participant has experience as a practicing attorney or business person for one year or more, please make a declaration in accordance with Rule 4(8).
- (5) 3 extra bonus points will be added to the score for universities that send teams to both the English and Japanese divisions (Rule 11(7)).

## 2. Registration Fee

- Again this year, due to the special circumstances, no registration fee will be charged for the 20th Competition.

## **IV. Problem, Rules and Newsletters**

### **1. Problem**

#### **(1) Problem**

The Problem consists of 1) general information common for all participants and 2) specific confidential information for each party. The latter is used only for Round B. The former will be released through the website of the Competition and the latter will be sent to the representative(s) and registered instructor(s) of each university by e-mail.

#### **(2) Questions about the Problem and Revision of the Problem**

After the release of the Problem, the representative(s) of each university may ask questions to the Committee up until October 12. Questions should be submitted using the Google Form designated by the Steering Committee and each question should be accompanied by 1) the reason for the question and 2) the relevant paragraph number or the number of the Annex document. If the Committee finds it necessary to respond to the questions, it will do so, in principle, by revising the Problem and/or confidential information.

In the event participants have questions, please send them as early as possible. The expected schedule for responding to questions is as follows:

Questions made by September 30: Will be answered by October 9

Questions made by October 12: Will be answered by October 15

The Problem and/or confidential information will be amended as necessary to reflect questions/answers, and may be amended for other reasons, in the determination of the Steering Committee. The final version of the Problem will be announced by about October 15.

Every year the Committee receives many questions. Most questions, however, are not specifically replied to, for the following types of reasons: The initial version of the Problem contains sufficient issues to be disputed or discussed. Even if some questions may be considered important in practice, trying to address all questions might make the Problem overly complicated. Also, many questions attempt to add some facts which may give an advantage to one side or the other. We are careful not to amend the Problem in a manner that would

give some advantage to one party unless such amendment is absolutely necessary to clarify the situation. Furthermore, we have declined to answer questions when we expect the participants to consider the matters by themselves or when the answers are reasonably clear from the context. In sum, there are many reasons why the Committee does not answer all of your questions.

### (3) Relationship between the Simulated Case and the Real World

The Problem is a simulation, taking place in an imaginary world, so some of the situations presented in this case may be at variance with the real world. With this in mind, the fictional facts and situations presented in the Problem should be treated as fact for the purposes of this Competition.

Not all the facts are specified in the simulated case of the Problem. The unspecified parts may be supplemented by general understandings in the real world. However, the purpose of this Competition is NOT to discuss whether some facts are true or not. While certain facts not outlined in the Problem can be agreed upon by the competing parties, effort should be given NOT to debate which facts are true and which facts are not. In some cases, the judge may decide the facts in order to expedite the Competition proceedings and in such cases the continuing discussions will be based on the decided facts.

## 2. Rules

The Competition is held based on the rules published every year. Please read the rules carefully and understand them thoroughly before participating in the Competition.

## 3. Newsletters

The Steering Committee issues Newsletters in order to give important information about the Competition. Newsletters will be uploaded to the Competition website. Instructors and representatives of each university will be informed by email when a Newsletter is issued.

## V. Key Rules

\* Please be sure to read the newest version of the Rules on your own.

### 1. Team composition and roles of members

- Each team shall be composed of four or five members (on an exceptional basis, teams of three or six members may also be allowed).
- Members shall perform their roles as follows:
  - Round A: all members act as attorneys of the Company
  - Round B: each member acts in a specific role, including those specified in the Problem. Who would perform which role shall be set forth in the Explanatory Memorandum for Round B.

### 2. Round A

(1) Applicable substantive law: the UNIDROIT Principles of International Commercial Contracts 2016

(2) Memoranda: In Round A, two types of documents should be submitted as follows. Please pay attention to the specified forms and time schedule.

① Preliminary Memorandum: by noon of October 29 (Friday)

- Not to exceed 12 pages excluding the cover page, for both the English and Japanese divisions.
- There is no restriction on choice of fonts and size thereof, nor on line spacing for the memoranda. Charts and/or indexes can be used. Appearance and readability are evaluated.

② Response: by noon of November 4 (Thursday):

- Not to exceed 2 pages excluding the cover page, for both the English and Japanese divisions.
  - The response should be composed of arguments and supporting reasons that counter the preliminary memorandum of your counter party.
- Exceeding the length limit, violation of format rules (as set forth in Rule 7(4)), and late submission will result in the deduction of points. For details

please refer to Rule 7(7).

- In the submission of a memorandum and a response, no additional materials, exhibits or appendices may be attached.

**Rule 7 (10)**

(10) In the memorandum, all the issues listed in the Problem must be addressed, giving consideration to reasonably expected counter-arguments. The memorandum should be drafted with an easy to understand and logical structure, by using concise sentences, sub-section headings, etc.

- In this Competition, in which both parties submit their own preliminary memorandum at the same time, the preliminary memorandum shall contain counter-arguments against expected assertions from the other Party. However, it is not necessary to address unnatural ways of argument, such as “even if the other Party would raise (A) to assert (B)...”. On the contrary, for example, as a part of their own asserting story, statements such as “In addition, (A) would not influence our assertion, since...” or “In addition, (A) should be considered as...” might be included in the memorandum in order to establish the position that an anticipated argument from the counter-party would not detract from the legitimacy of the team’s own assertions, even if it might initially appear to be disadvantageous. The response is limited to just 2 pages; its main purpose is to respond to assertions of the other Party that were not expected and thus were not included in the counter-arguments set forth in the preliminary memorandum.

(3) Schedule of the First Day

- |             |  |
|-------------|--|
| 14:00-14:10 | Setting (check if the connections to the Zoom meeting room and the screen sharing functions are working well, and make sure there are no unauthorized persons present)   |
| 14:10-17:20 | Opening Statement and Hearing, for each set of major issues (as specified in the Problem), including 10-minute “Mandatory Recess”<br>For each case, each party will provide a 3-minute opening statement; the opening statements will be followed by oral arguments before the arbitrators, conducted in accordance with directions from the |

- arbitrators.
- 17:20-17:30 Preparation time for Closing Arguments
  - 17:30-17:40 Closing Statements by Red and Blue (5 minutes for each party)
  - 17:40-18:00 Comments by the arbitrators

(4) Rules for the Procedures on the First Day

① Arguments which have not been mentioned in memoranda may be made on the day of the Competition.

**Rule 7 (11)**

... Arguments not set forth in the memorandum or response are permitted to be made orally in Round A, but failure to cover an important point in the memorandum, or making an oral argument that conflicts with a position set forth in the memorandum, may be negatively evaluated by the judges.

② Proceedings

**Rule 7 (16)**

The method of proceeding with the arbitration will be one of the following: (i) The claimant and the respondent are each given a fixed amount of time to make their arguments of several tens of minutes, and then each is given a fixed amount of time for rebuttal (or, in some cases, re-rebuttal). The arbitrators may ask necessary questions during these arguments, and arbitrators may extend the time for argument for a certain period of time if the time for argument is insufficient due to questions and answers, or (ii) under the instruction of arbitrators, each party makes arguments and/or answers to questions of arbitrators, without allocating a fixed amount of time as in (i). Arbitrators may choose either method. In the case of (i), the "fixed time" will be specified later in a newsletter. Whatever the method may be, the arbitration panel has an obligation to treat both parties fairly, and may not give one party an unfair advantage due to the procedure adopted. Parties who have doubts regarding the fairness of the arbitration panel's method of procedure may raise an objection during the arbitration, and parties who are unsatisfied with the response from the panel may make appeal to the Steering Committee. However, objections must be made before the end of the round.

### ③Applicable Procedures

Procedures of the arbitration shall be governed by the 2010 UNCITRAL Arbitration Rules and the place of arbitration is Japan. In the event of a conflict with the aforementioned UNCITRAL provisions, the Problem and the Rules of this Competition take priority, and the UNCITRAL provisions take second priority.

### ④Burden of Proof

#### **Rule 7 (17)**

Participants should take note that, as a general matter, each side has an obligation to persuade the arbitration panel as to its claims, by backing up its arguments with facts or reasoning, based on matters contained in the Problem, Exhibits and/or other materials.

### ⑤Issues NOT Specified in the Problem

Issues for the arbitration should be limited to those specified in the Problem.

### ⑥Caucus Time, Mandatory Recess

#### **Rule 6(9)**

In order to reduce eye strain caused by watching the screen for a long time, both in Round A and B, there will be a 10-minute intermission ("Mandatory Recess").

Round A: take a 10-minute intermission between the hearing on the first Case and the hearing on the second Case

Round B: take a 10-minute intermission when 60-80 minutes have passed from the commencement of the negotiation. When 60 minutes have passed, the judges will announce that participants must take a 10-minute intermission within the next 20 minutes, and participants should take the intermission within 20 minutes after the announcement. If the participants have not taken the intermission themselves, when those 20 minutes are up the judges will declare the intermission.

During the Mandatory Recess, participants shall turn their videos off. However, during the Recess the participants may use breakout rooms if they choose to do so. Either or both teams may elect to use breakout rooms

during the Recess. In the breakout rooms, participants may use their videos.

**Rule 7(18)**

In addition to the Mandatory Recess time as specified in Rule 6(9), each team may request 5 minutes of caucus time per hour. For the caucus time, Participants may request to use breakout rooms to undertake internal discussions. The counter party may also ask for a breakout room of its own for use during caucus time requested by the other side. Judges and counterparty team members may not enter into the breakout rooms being used for internal discussions. However, the arbitration panel may postpone a request for a caucus for up to 20 minutes, as it deems appropriate for the orderly progress of the arbitration.

⑦ Opening Statements and Closing Statements

One or a few members of a team may present opening and closing statements (Rule 7 (15)).

3. Round B

(1) Sharing the respective roles.

**Rule 8 (1)**

(1) Participants shall share responsibilities and carry out their respective roles in order to ensure smooth operation of their team' s negotiations (points may be deducted by the judges, or a warning issued by the Steering Committee, in the event that a participant is simply not engaged).

(2) Explanatory Memoranda

- In Round B, the explanatory memoranda are submitted to the judges. Please comply with the format and deadline, etc.
  - Deadline: 4 November (Thu)
  - Not to exceed 15 pages excluding the cover page, for both the English and Japanese divisions.
  - There is no restriction on choice of fonts and size thereof, nor on line spacing for the memoranda. Charts and/or indexes can be used. Appearance and readability are evaluated.



- Exceeding the length limit, violation of format rules (as set forth in Rule 8(4)), and late submission will result in the deduction of points. For details please refer to Rule 8(5).
- In the submission of a memorandum, no additional materials, exhibits or appendices may be attached.

#### **Rule 8 (4)**

Each team shall submit an Explanatory Memorandum to the Steering Committee by the deadline specified in Rule 2(2) of these Rules. The format of the memorandum shall be as follows:

①The Memorandum is the material to explain to judges the negotiation each team would like to make and shall include the following:

- the goals that your company is seeking to achieve through the negotiation;
- strategies to achieve the goals;
- any information necessary to explain such goals and strategies to the judges.

②The memorandum shall be made by a PDF file, with A4 size page setting. The maximum length of a memorandum is fifteen (15) pages, for both the Japanese and English divisions (excluding the cover page).

③ A cover page should be attached to the memorandum, which sets forth the name of the university, team number, the company (Red or Blue) the team represents, the names of the team members, and the role of each member. Please send the memorandum and cover page as one PDF file.

④Each margin (upper, lower, right, left) of each page shall be 25 mm and the page number shall be placed at the bottom center of each page.

⑤The choice of fonts and size thereof, spacing of lines, the number of letters per line, and/or whether to use charts, etc., are matters for the discretion of the team. Please note that legibility may also be included in the scope of evaluation by the judges.

⑥The upper limit of the maximum file size is 3MB.

#### (3) Proceeding of Round B

12:00-12:10 Setting (check whether the connections to the Zoom meeting room and the screen sharing functions are working well, and make sure there are no unauthorized persons present)

12:10-14:45 Round B

Meeting with Judges: 10 minutes for each team  
Negotiation: about 135 minutes (including 10-minute  
“Mandatory Recess”)

15:45-15:00 Preparation for Self-Evaluations  
15:00-15:20 Self-Evaluations①  
15:20-15:40 Self-Evaluations②  
15:40-16:00 Overall Evaluation and Comments

- At the beginning of Round B, the representatives of teams will decide which party shall go first for the explanation to judges and self-analysis by rock-paper-scissors before judges. The winner shall choose for which it will go first, the explanation to judges or self-analysis. The team that makes the explanation to judges first will later make self-analysis second (Rule 8 (8)④).
- Negotiation that judges are not able to observe, such as negotiations outside the Zoom meeting room or negotiation using digital devices, is prohibited. (Rule 8(3))

( 4 ) Meeting with judges to explain the goals and strategies of negotiation (Rule8(8)①)

- At the beginning of Round B, before starting the negotiation, each team shall explain (i) its negotiation goals, (ii) strategies to achieve the goals, and (iii) other matters necessary for its explanation to the judges in an initial 10-minute session. This explanation is made to the judges, not to presidents or senior officials of the company. Judges may make questions for clarification purposes.
- Explanation can be conducted either solely by one representative or by one or more members sharing the roles. However, playing a pre-recorded video will not be allowed to substitute for this explanation.
- At the explanatory meeting with judges, each team may present material (in a format and volume as appropriate) using the screen sharing function to help the judges understand the contents of the explanation. These materials may be the same as or different from the previously submitted explanatory memorandum.
- When a team uses material other than the Explanatory Memorandum, the file of that material shall be sent to judges before or immediately after the explanation to judges.

( 5 ) The Venue of Negotiation

**Rule 8(3)**

Negotiation that judges are not able to observe, such as negotiation outside the Zoom meeting room or negotiation using digital devices, is prohibited. Negotiations shall be conducted in the designated Zoom meeting room, provided participants may use breakout rooms for internal team discussions. The timing and length of such internal team discussion are to be negotiated by the parties (provided, however, that a 10-minute Mandatory Recess shall be held, in accordance with Rule 6(9)). Judges and counterpart team members may not enter such breakout sessions (Staffs may enter the sessions).

( 6 ) Mandatory Recess (Rule 8(2) and Rule 6(9))

Parties may determine the timing and length of recesses during the negotiation, provided, however, a Mandatory Recess shall be taken.

**Rule 6(9)**

In order to reduce eye strain caused by watching the screen for a long time, both in Round A and B, there will be a 10-minute intermission ( “Mandatory Recess” ).

. . .

Round B: take a 10-minute intermission when 60-80 minutes have passed from the commencement of the negotiation. When 60 minutes have passed, judges will announce that participants must take a 10-minute intermission within the next 20 minutes, and participants should take the intermission within 20 minutes after the announcement. If the participants have not taken the intermission themselves, when those 20 minutes are up judges will declare the intermission.

During the Mandatory Recess, participants shall turn their videos off. However, during the Recess the participants may use breakout rooms if they choose to do so. Either or both teams may elect to use breakout rooms during the Recess. In the breakout rooms, participants may use their videos.

(7) Confirmation of Agreement

- After reaching an agreement, it is important to confirm whether the agreement is clear and appropriate and whether there exists any disparity in understanding of the agreement between the parties. In order to achieve this purpose, in some past competitions we have required the participants to make a written memorandum of agreement.
- However, it is sometimes difficult to complete a written memorandum within the limited competition time. In addition, some teams submitted their drafts of memorandum even before starting negotiation on specific issues. Because we fear the past rule set out an inappropriate incentive, we have revised the rule and now require Confirmation of Agreement in such a manner that the judges are able to confirm the content of the agreement.
- The key of judges' evaluation is whether the agreement is clear and appropriate and whether there exists any disparity in understanding of the agreement among the parties. Therefore, it is sufficient to orally confirm the content of the agreement.
- However, this revised rule just considers the limited time constraint of the Competition, and it is quite important in practice to make a written memorandum which precisely and accurately reflects the content of the agreement.

**Rule 8 (10)**

In the event an agreement is reached, the content of the agreement shall be confirmed by the parties in a manner appropriate to a given situation, whether orally, on screen or in writing. Though written confirmation is not an essential requirement, judges will evaluate whether the agreement is unambiguous, clear and reasonable.

(8) Self-Evaluation

**Rule 8(8)③**

...each team shall have 20 minutes, where there are no members from the other team present, to deliver an oral self-evaluation on the performance of the team before the judges. The presentation to judges may be made either by one representative or by two or more team members. The self-evaluation must cover the questions set forth below (in about 10 minutes); during the remaining time, team members are to answer questions that the

judges may ask (about 10 minutes):

- Have you achieved the objectives/goals of the negotiation?
- Have your negotiation strategies worked effectively?
- If the same negotiation were to be repeated tomorrow under the same conditions, which aspects of the team's approach would you choose to repeat, and which would you choose to change?
- What were the good points and/or bad points in the performance of the counter party?

One or more members of a team may conduct the explanation to the judges and/or the Self-Evaluation (Rule 8 (8) ①③) .

#### 4. Materials

##### **Rule 9**

( 1 ) Each team may use documents and/or presentation tools to support its claims in Round A and Round B. However, playing of any recorded video contents, including video contents produced by other parties than team members, is not allowed. Presentation of materials during Round A and B is only allowed by using the screen sharing function in Zoom, and no other method shall be allowed. If a team shares other materials than documents that the team has submitted to the Steering Committee under this Rule, before or immediately after the sharing, the team shall send the file of the material to the judges and other party.

( 2 ) The counter party may request sufficient time for a breakout session to examine materials after receiving them.

( 3 ) Judges and arbitrators may prohibit the use of any set of materials or item(s) when there is a valid reason for doing so, such as in the case that the use of such materials may hinder the efficient procedure.

( 4 ) In both the Japanese and English divisions, any materials not in the official language of the division must be accompanied by a translation in the official language of the division.

##### **Rule 10(8)**

When using materials and presentation tools, use the screen sharing function of Zoom or other method of displaying on the screen of each Zoom participant and present them in a way that can be viewed by the counter party and the judges. The presentation of materials or presentation tools in

any other way, including using Zoom's chat features or using other applications, is not allowed.

**Rule 10(9)**

In Round A, when a participant wants to use the screen sharing function, he/she must obtain the permission of the judges. In Round A, the judges may prohibit or suspend the presentation by screen sharing if they consider it would interfere with procedural fairness or would take too much time considering the amount and content of the material.

**Rule 10(10)**

In Round B, the parties shall negotiate regarding how to use the screen sharing function. Negotiations between the parties regarding the use of the screen sharing function are also subject to evaluation by the judges.

5. Notes on online matches

- ① The 20<sup>th</sup> Competition will take place online via Zoom. Each participant shall prepare sufficient bandwidth network connection and shall participate in a good communication environment in which the video function can be used (Rule10(12)).
- ② Participants are encouraged to become familiar with Zoom by referring to the following sites.  
For Japanese:  
<https://symphonict.nesic.co.jp/workingstyle/zoom/pc-howto/>  
  
For English: <https://support.zoom.us/hc/en-us/articles/201362033-Getting-Started-on-Windows-and-Mac>
- ③ Participants shall use Zoom functions following instructions of the Steering Committee. (Rule 10(1))
  - ⇒ As the functionality of Zoom is subject to change with updates, the Steering Committee will provide instructions on how to use Zoom, in addition to the rules, if necessary.
  - ⇒ Notification to the participants will be made by the Newsletters.
  - ⇒ The Steering Committee will prepare a document summarizing any notifications made in the Newsletters and will notify the participants a few days before the competition.

⇒ Regarding the operation of Zoom in each match room, each university will designate the Zoom Operator for each team and the Zoom Operator will make necessary operation under the instruction of judges and the Steering Committee.

④ During the rounds, except for breaks or other times when express permission has been granted by the judges, Zoom video functions must be turned on. (Rule 10(2))

⑤ Names of each participant on the screen shall follow the following format. (Rule 10(3))

- Round A; [Red or Blue] [Name]
- Round B: [Red or Blue] [Name] [Role]
  - ⇒ The designation of [Red or Blue] shall be made as either "R" or "B".
  - ⇒ The designation of [Name] shall be made in the format of "the initial of the first name + the last name".
  - ⇒ The designation of [Name] shall be registered in the registration form for each participant.
  - ⇒ The designation of [Role] shall be made using the abbreviation of roles determined and announced in advance by the Steering Committee.
  - ⇒ For example, a participant whose name is Yoshiaki Nomura, whose role is Vice President, and who belongs to Red shall set the name on the screen as follows:
    - ◇ In Round A, "R: Y. Nomura"
    - ◇ In Round B, "R: Y Nomura: VP"

Items other than the information listed above (e.g., profile pictures) shall not be displayed on the Zoom screen for any participant when his/her video is turned off.

⑥ Each participant shall use the virtual backgrounds prepared by the Steering Committee, outfits (e.g., red or blue necktie or scarf), name tag or other appropriate means to clearly show to the judges whether he/she belongs to Red Corporation or Blue, Inc.

- ⇒ It is vital for the judges to recognize exactly which team a participant belongs to for proper evaluation.
- ⇒ To show the judges whether participants belong to Red or Blue, for example, participants could use the virtual background prepared by the Steering Committee, or participants for Red Corp. could wear a

tie, ribbon or shirt in its team colors, such as red or pink.

- ⑦ Each team may meet together and participate in the Competition. (Rule 10(5))
  - ⇒ Each participant must prepare a terminal that can use the video function, and each participant shall enter in the meeting room by using a separate terminal. Also, participants must take the infection control measures recommended in the region where the participant is located, such as wearing non-woven masks, keeping a sufficient distance from each other, having disinfection liquid, etc..
- ⑧ There shall be no outsiders accompanying participants during the rounds.
  - ⇒ The judges, steering committee, or Staff who support the operation of the competition may check the surrounding situation at any time by requesting that the surrounding situation be displayed on the screen. Participants must not communicate with their instructor, advisor, graduates, members of other teams from the same university, or anyone other than their own team during the round (including during the recess and other breaks, if any). (Rule 10(6))
- ⑨ In case of trouble using Zoom during the rounds.
  - ⇒ If the arbitration/negotiation cannot be run normally due to a communication line or equipment malfunction (Rule 10(11))
    - Participants may ask the judges for a break of up to three minutes. The judges will check the situation and decide if a break is necessary.
  - ⇒ If one of the participants is logged off from the meeting room due to a malfunction in communication lines or equipment during a match (Rule 10(13))
    - The arbitration/negotiation will continue with the remaining participants.
  - ⇒ If all members of the team have logged off at the same time (Rule 10(14))
    - The arbitration/negotiation will be stopped for an appropriate period of time at the discretion of the judges. Each participant must notify the Steering Committee or the emergency contact number given in advance by the Staffs without delay and follow the Committee's instructions.
  - ⇒ If one of the judges has logged off (Rule 10(15))
    - The arbitration/negotiation will continue with the remaining two



judges.

- ⇒ If two or more judges log off at the same time (Rule 10(16))
  - The arbitration/negotiation will be suspended until two or more judges return to the meeting room.
  - Participants should wait in the meeting room.
  - The representatives of each team should notify the Steering Committee or Staffs at the emergency contact without delay and follow their instructions.

⑩ Recording of matches (Rule 10(18))

- ⇒ The matches (excluding the breakout rooms) will be recorded by the Steering Committee. If you wish to receive a video of your own team, the Steering Committee may provide you with the data following completion of the designated procedures. Please note, however, that in the event of equipment malfunction, Internet connection conditions or other such problems, the possibility exists that the video may not be recorded correctly.

## 6. Complaints

Complaints against another school can be raised pursuant to Rule 18 as follows.

- (1) Complaints that another university has violated the Rules must be lodged with the Steering Committee within 10 minutes of the close of each round by the university representative.
- (2) When immediate response is thought necessary, the representatives of each university may, even in the middle of a round, ask the judges to confirm the Rules, and request that the behavior of the other university be corrected. If the judge determines that such a request is for good reason, the judge may issue such direction as he or she deems appropriate, or consult with the Steering Committee concerning any action to be taken.

## 7. Video Recording

- Zoom meetings will be recorded by the Steering Committee using the recording function of Zoom. By participating in the competition, participants are deemed to agree that the recordings may be used for education, research, training and public relations purpose. The Steering Committee will

provide the video to a university who wants to receive the video of the matches of that university on condition that the video shall not be used for any purposes other than personal or educational use, that the university must comply with all relevant laws and respect the privacy of all relevant persons, and that the university is strictly prohibited to disclose or share the link and data with third parties without prior consent of the Steering Committee. Participants are not allowed to record the competition, but they can receive the recording data from the Steering Committee in accordance with the prescribed procedure.

- The opening ceremony, matches and closing ceremony will be streamed live on YouTube. The Steering Committee will provide the URL for YouTube channels to each university, and each university may share the URL with persons to which that university would like to provide the opportunity to observe. However, in doing so, such a person must agree in advance that he/she will not record the video, and that the Steering Committee reserves the right to suspend publication, reject applications for observation, withdraw permission for observation, and take any other measures necessary for the smooth and appropriate operation of the competition at any time. In addition to this, the Steering Committee reserves the right to grant observation opportunities to sponsors and other interested parties as it deems appropriate.

#### **Rule 19**

- (1) Participants, judges and instructors consent to the listing of their names, affiliations and photos in the brochure made by the Steering Committee, the video made by the Sumitomo Group Public Affairs Committee, the official website of this Competition and other materials or publications deemed necessary by the Steering Committee, and the collection and use, including shared use, of their personal information for the above mentioned purposes.
- (2) Participants, judges, instructors and visitors consent to the video recording of the proceedings, and to the use of such recording in future education, training, research and public relations of the Intercollegiate Negotiation Competition.
- (3) Participants may not make a record of the competition sessions. If participants need a video of their team, participants may receive the recorded data from the Steering Committee in accordance with the

prescribed procedures.

- (4) The opening ceremony, matches and closing ceremony will be streamed live on YouTube for registered observers. Friends and family of the participants and other observers are welcome to watch the competition online, provided they follow the necessary procedures and complete registration in advance. Observers are prohibited to record the contents they view. The Steering Committee reserves the authority to stop broadcasting, to refuse application to observe, to revoke the permission to observe, or to take any other necessary measure to ensure the smooth and proper implementation of the competition.
- (5) The Steering Committee may publicize the scores and memoranda submitted by universities which receive awards in the closing ceremony, in newsletters, or on the website of INC, etc.

## 8. Recommendation for the International Negotiation Competition (Rule 15)

- The Steering Committee will select and recommend a university from among the Japanese universities that have participated in the Competition as the representative of Japan for the International Negotiation Competition (Rule 15). The competition will be held in June or July annually, in English, with 2 persons in the team.
- The Steering Committee will ask the university that achieved the best score in the English division in Round B if the university will send a team. If that university will not send a team, the Steering Committee will ask the university that achieved the second best score in the English division in Round B if it will send a team (if necessary, the same process will continue in order of the rankings).

## 9. Management of Confidential Information

- Confidential information and strategies of each team should be handled carefully. In past competitions the steering committee had to revise the confidential information because of disclosure of such information by participants (e.g., uploading pictures of team meeting on SNS, in which confidential information written on the blackboard was found in the pictures; sharing confidential information with teammates by using a group site which can be accessed by members of the public). Leakage of

information in Round B may lead to deduction of points. Please refer to Rule 5 (4) for details.

## 10. Coaching

- The Supervising Professors of each university team and the alumni of the Intercollegiate Negotiation Competition are strongly encouraged to give advice and coaching to the teams preparing for the competition. (Rule 12 (1))
- Judges may coach the participants after the release of the Problem provided they are registered with the Steering Committee. Registration is not required when a judge was a former participant and he or she coaches a team at the *alma mater*. Any judge who coached the students of a university may not judge a match of the Competition held in the same year in which those students participate. Judges who coach the participants shall not disclose any information that only judges know or could have known regarding the problem and/or evaluation of that year's Competition. (Rule 11 (8))

## VI. Judging and Awards

### 1. Judging & Standard of Criteria

- Scoring and evaluation are conducted based on 10 criteria both in Round A and Round B. Judges evaluate each criterion on a scale from 1 to 5, by 0.5 point increments. Details of evaluation criteria and the system of evaluation for each year are uploaded to the website of the Competition. The detailed explanation of the evaluation system is set forth in Attachment 1, of the evaluation criteria for the 20<sup>th</sup> competition is set forth in Attachment 2, and the results of the evaluation of the 19<sup>th</sup> competition are set forth in Attachment 3. A newsletter will inform participants when the evaluation sheets are uploaded. Evaluation is made by objective evaluation of each team on the basis of its own performance, not the relative evaluation between the two competing teams.
- Judges are subject to the following instructions.
  - There might be advantages or disadvantages for the role of Blue or Red depending on the contents of the problem. Even though we prepared the problem carefully so as not to create such advantages/disadvantages, due to the nature of the problem, certain advantages and disadvantages cannot be avoided. Also, due to structural constraints of the competition (a match between two universities needs to be completed in a few hours), the problem may contain scenarios which are unlikely to occur or may appear unnatural in the real world.
  - No participating team shall receive an unfavorable or favorable evaluation due to such advantages/disadvantages or unreal situation that are inherent in the problem as described above. In other words, scoring is based on the fact that the participating team's performance is or is not at an expected level under the given circumstances, and not on the actual outcome, i.e., the winning or losing of a particular point.
  - Language ability: Language ability such as pronunciation or fluency is outside the scope of evaluation.
  - Please make your best efforts to evaluate in an impartial and fair manner without being influenced by the name or previous performance of a university.

## 2. Judges

- Three or four judges make up a panel. If the number of judges is not three, the total score of the judges will be divided by the number of judges and multiplied by three to get each team's score (rounded down to the nearest whole number).

The judges in charge of each match will be announced on the day of the Competition.

Judges shall be registered with the Steering Committee when they coach participants with respect to the Competition after the release of the Problem, except for the case when past participants coach for the universities from which they graduated. When participants request judges to coach, the judges, the advisors or the representative of the teams shall notify the Steering Committee in advance.

A judge who has coached or given instruction or guidance to a participating university is not permitted to judge any match in which a team from that university is involved. In addition, when giving instruction or guidance, judges shall not disclose any information that only judges know or could have known regarding the problem and/or evaluation of that year's Competition. (Rule 11 (8)).

## 3. Awards

- Awards are given to the first ranked to seventh ranked universities.
- The first ranked university will receive the Sumitomo Cup.
- In addition, the following special awards will be given:
  - The best Japanese arbitration (Herbert Smith Freehills Award)
  - The best Japanese negotiation (GLEA Award)
  - The best English arbitration (CIArb Award)
  - The best English negotiation (Squire Patton Boggs Award)
  - The best team work

## **VII. Other Matters**

### 1. How to Contact the Committee

- When sending registration, submission of preliminary memoranda and questions to the Committee, make sure to send emails to the following two addresses in order to avoid email errors:  
inc.steering.committee@gmail.com AND tetsu-mo@sophia.ac.jp.
- Also, please include in the subject line of emails, "RE: INC: XX University".
- If you have any questions or requests regarding the competition, feel free to ask the Steering Committee.

## 2. Manners as Business Persons

- Please pay attention to acting in an appropriate business manner throughout the Competition, including emailing to others and other activities during the preparation period, the opening and closing ceremonies, the reception of the Competition.

## 3. Prohibitions

The following matters are prohibited:

- ① Communication, information exchanges, and/or negotiation on the Problem with other university or universities (including but not limited to face-to-face meetings, telephone calls, and e-mail exchanges).
- ② Communication, information exchange, and/or negotiation during the rounds on the Problem with other persons than members of the same team by using digital devices or any other means (members of the same team may freely communicate with other members). Please note that, during the rounds, communication with members of other teams of the same university is prohibited.
- ③ Matters prohibited by these rules.
- ④ Failure to comply with Steering Committee directions.
- ⑤ Failure to comply with directions given by the judges.
- ⑥ Breach of copyright and other laws.
- ⑦ Obstruction of the competition.

- ⑧ Behavior which is against the manner expected of ordinary business persons.



## Attachment 1

### Evaluation System of the Competition

The following is the explanation that the Steering Committee makes to the judges about the evaluation of the Competition.

#### **1. General Remarks on the Judging**

- There may be advantages or disadvantages for the role of Blue or Red depending on the contents of the problem. Even though we prepared the problem carefully so as not to create such advantages/disadvantages, due to the nature of the problem, certain advantages and disadvantages cannot be avoided. Also, due to structural constraints of the competition (a match between two universities needs to be completed in a few hours), the problem may contain scenarios which are unlikely to occur, or which may appear unnatural in the real world.
- Please make sure that no participating team receives a favorable or unfavorable evaluation due to such advantages/disadvantages or unreal situations that are inherent in the problem as described above. In other words, you should make your judgment based on the fact that the participating team's performance is or is not at an expected level under the given circumstances, and not on the actual outcome, i.e., the winning or losing of a particular point.
- Language ability: Language ability such as pronunciation or fluency is outside the scope of evaluation.
- Please make your best efforts to evaluate in an impartial and fair manner without being influenced by the name or previous performance of a university.

#### **2. Disclosure of judge's assignments and instruction by judges**

- The judges in charge of each match will be announced to students on the day of the competition. Until then, judges are asked not to disclose to students which match a judge is assigned to.
- After the announcement of the problem, each judge must notify the Steering Committee if they wish to provide instruction on the competition to a participating university (unless a previous participant in the competition is providing instruction to their home university). Therefore, if a participant wishes to request mentoring from a judge, the judge,

advisor, or student representative must notify the Steering Committee in advance. Judges who have instructed a participating university cannot judge the competition of the university they instructed during the current year. In addition, when instructing, judges are prohibited from disclosing information that is known only to the judges about the problems and evaluation for the year's competition. (Rule 11(8))

### **3. Awards**

- Awards are given to the first ranked to seventh ranked universities.
- The first ranked university will receive the Sumitomo Cup.
- In addition, the following special awards will be given:
  - The best Japanese arbitration (Herbert Smith Freehills Award)
  - The best Japanese negotiation (GLEA Award)
  - The best English arbitration (CIArb Award)
  - The best English negotiation (Squire Patton Boggs Award)
  - The best teamwork

### **4. Overall Method of Evaluation**

- Evaluation will be made using a point system. Judges will fill out the online form.
- Evaluation is to be made by objective evaluation of each team on the basis of its own performance, not the relative performance between two competing teams. Thus, both teams may get good points or poor points. This will enable an appropriate determination of an overall ranking of all the teams.
- Marking is based on 10 separate criteria for each of the arbitration round and the negotiation round. Evaluation of each criteria will be made on a scale of 0 (minimum score) to 5 (highest score), in increments of 0.5 (except that there is no 0.5). This provides a total scale of 10 increments. Therefore, for each round, the total score given by each judge will be from 0 points to 50 points and the total score of all three judges will be from 0 points to 150 points.

<Reference> On the online form, the scores are explained as follows:

0 (Fail) - 1 (Poor) — 1.5 — 2 (Fair) — 2.5 — 3 (Avg.) — 3.5 — 4 (Excellent) — 4.5 —  
5 (Outstanding)

- \* The explanations, "Fail", "Poor," "Fair," "Avg," "Excellent" and "Outstanding" are simply a guide, and they correspond to the academic assessment standards of most universities. However, some universities use "F," "C," "B," "A" and "A+."
- \* The following are rough guides for 0 – 5 grades.
  - 0: No trace of minimum preparation is observable, which would adversely affect the other party. Lack of effort and seriousness are obvious.
  - 1: Though trace of minimum preparation is observable, the performance is far from satisfactory. Obvious misunderstandings or careless mistakes are frequently seen.
  - 2: Though a reasonable effort at preparation is recognizable, the performance is not satisfactory, as if reciting from memory.
  - 3: Performed at a level normally expected of undergraduate students who have prepared for the competition enthusiastically for 2 months. While occasional insufficiency is observable, the overall performance is reasonable in light of the flow of arbitration or negotiation.
  - 4: Impressively well prepared. Excellent performance is frequently observed. The responses are appropriate in accordance with the situation, the addressee and developments; and you feel as though you can rest assured observing them.
  - 5: Superb performance for university students, at a level that you might expect of young colleagues in your office or business. You are impressed and thrilled by their level of performance.

## **5. Evaluation Guidelines**

- Please evaluate in the following manner, bearing in mind the above explanations.
  - A. As shown in the evaluation form, the average score (default score) is 3. If the team's performance is better than the average, add appropriate points, and if the team's performance is poorer than the average, deduct appropriate points.
  - B. The average score (default score) of 3 is generally awarded to those who "performed at a level normally expected of undergraduate university students who have prepared for the competition enthusiastically for 2 months."
  - C. However, if the team contains graduate students (or those with business/legal practice experience), the average points will be

awarded to those who “performed at a level normally expected of graduate students (or those with business/legal practice experience) who have prepared for the competition enthusiastically for 2 months.” In this case, a higher level of performance is required to earn the same 3-point score than the undergraduate university students in Section B above.

- \* Whether a student is an undergraduate student or a graduate student can be confirmed by referring to the list of participating teams in the brochure.
- \* Participating teams are required to declare at the time of registration whether or not the team has individuals with business/legal experience. If there are participants with business/legal practice experience, judges will be notified the contents of the declaration submitted by the team on the day of competition.
- \* Evaluation forms and the scores of individual judges will be kept confidential. If a university requests, the total score of three judges (including the score on each evaluation item) will be provided to the university.

## **Evaluation Criteria**

### **«Round A : Arbitration»**

#### **1 [Preparatory Memoranda/Response (Persuasiveness)]**

Are the claims that should be asserted presented effectively? Are the arguments in the documents as a whole logical and persuasive?

- ⇒ Please evaluate not only in terms of the legal persuasiveness, but also in terms of the real-life substantiation, e.g., extrajudicial persuasiveness.

#### **2 [Preparatory Memoranda/Response (Expression, Organization)]**

In relation to each issue, is the basis in fact, contract, and/or law etc. shown appropriately and accurately? Are the documents easy to read and understand?

- ⇒ Please consider as well whether and to what extent the legal documentation is appropriate, in lights of legal construct, burdens of proof, and evidence.
- ⇒ Please consider as well whether the documents are so designed as to be reader-friendly.

#### **3 [Oral Argument: Case 1]**

Did the team make their claims logically and persuasively, based on the given facts, the contract, and/or law etc.?

- ⇒ Please evaluate the oral arguments in terms of the appropriateness of legal construct and the material persuasiveness.
- ⇒ Whether the participants were able to take advantage of the fact that it was an online arbitration through Zoom will also affect the assessment of the persuasiveness of the arguments.
- ⇒ Please evaluate the oral arguments in terms of whether and to what extent the team achieved deep understanding of the contract clauses and UNIDROIT Principles, whether and to what extent the team successfully applied the rules to the facts, whether and to what extent the team's interpretation of rules were sound and acceptable, and whether and to what extent the arguments were evidence-based.

#### **4 [Oral Argument: Case 2 and Procedural Issue]**

Did the team make their claims logically and persuasively, based on the given facts, the contract, and/or law etc.?

- ⇒ Please evaluate the oral arguments in terms of the appropriateness of legal construct and the material persuasiveness.
- ⇒ Whether the participants were able to take advantage of the fact that it was an online arbitration through Zoom will also affect the assessment of the persuasiveness of the arguments.
- ⇒ Please evaluate the oral arguments in terms of whether and to what extent the team achieved deep understanding of the contract clauses and UNIDROIT Principles, whether and to what extent the team successfully applied the rules to the facts, whether and to what extent the team's interpretation of rules were sound and acceptable, and whether and to what extent the arguments were evidence-based.
- ⇒ Please evaluate whether the team achieved understanding of the issues and made well-reasoned legal arguments that support its position. The weight of Case 2 and the Procedural Issue is 2:1.

#### **5 [Overall persuasiveness]**

Through the documents and oral argument, and based on the facts of the problem, was there a persuasive and acceptable story advanced?

- ⇒ Please evaluate the team's overall performance through the arbitration in terms of whether and to what extent the team successfully reconstructs a vivid and integrated story of their case.

#### **6 [Interactions with the Arbitrators]**

Were the teams able to respond precisely and timely to questions and directions from the arbitrators?

- ⇒ Respect toward the arbitration panel should also be considered.
- ⇒ Whether the participants were able to take advantage of the fact that it was an online arbitration through Zoom, including looking into the camera, will also affect the assessment of the interaction.

#### **7 [Responses to claims and counter arguments from the other side]**

Were the teams able to respond precisely and timely to claims and counter arguments from the other side?

- ⇒ Whether the responses were quick and to the point.

#### **8 [Opening Statement/Closing Statement]**

Was the Opening Statement clear and effective? Was the Closing Statement persuasive and effective?

- ⇒ As to the opening statement, please evaluate the effectiveness in terms of agenda setting for the subsequent arbitration, and the time management skill.
- ⇒ As to the closing statement, please evaluate its effectiveness in terms of whether and to what extent it reflects the overall arguments through the arbitration.
- ⇒ It is recommended that one of the arbitrators assume the role of time-keeper.
- ⇒ Whether the participants were able to take advantage of the fact that it was an online arbitration through Zoom will also affect the assessment of clarity and effectiveness.

### **9 [Manner of Advocacy]**

Were the manner of oral argument and the way in which claims were made appropriate for a lawyer representing a client in front of an arbitral panel?

- ⇒ Did the team members argue with confidence and pride as professionals?
- ⇒ Whether the participants were able to take advantage of the fact that it was an online arbitration through Zoom will also affect the assessment of manner of advocacy.

### **10 [Teamwork]**

During the oral argument, was there an appropriate allocation of roles and division of work; was good teamwork evident?

- ⇒ The Intercollegiate Negotiation Competition takes teamwork very seriously. It doesn't mean each has to argue for the same amount of time, but if some contributed little or one dominated the team's arguments, then the team may receive a poorer score. On the other hand, if the members help each other when a tough question is raised, then the team may receive a better score.
- ⇒ Whether the participants were able to take advantage of the fact that it was an online arbitration through Zoom will also affect the assessment of teamwork.

## 《Round B: Negotiation》

### **1 [Negotiation Planning: Setting Objectives]**

Did the teams set appropriate objectives, having understood what were the genuinely important issues for their own company, based on the given facts and in light of a full exploration of their own and the other company's situation, the market conditions etc.?

- ⇒ Planning and objectives are very important since the overall negotiation should be evaluated based upon them.

### **2 [Negotiation Planning: Negotiation Strategies]**

In light of the negotiation objectives, did the team set out appropriate negotiation strategies?

- ⇒ Please evaluate if the team's strategy is properly, feasibly, and reasonably constructed.

### **3 [Understanding the other side]**

Through its preparation and effective engagement during the negotiation, did the team appropriately understand the interests, views, and strategy of the other side?

- ⇒ Please evaluate communication skill in terms of whether and to what extent the team achieved mutual understanding through active listening, including effective questions.

### **4 [Proposals/Persuasion]**

Based on the objectives and strategies of the negotiation and on the other side's interest, did the team advance reasonable and constructive proposals and persuasive arguments in a flexible and effective manner?

- ⇒ Please evaluate the offers and counter offers made by the team in terms of how they are creative, constructive, timely, and to the point.

### **5 [Strategies]**

Did the negotiation strategies of the team work effectively? Was the team able to modify these in response to the other side's reactions and situation and carry out an effective negotiation?

- ⇒ Please evaluate the properly adaptive execution of the reasonable strategy.

### **6 [Good Working Relationship]**



Did the team make efforts to build a good working relationship with the other side?

- ⇒ Please evaluate the communication between the team in terms of developing mutual understandings and building business trust.

### **7 [Agreement]**

Without compromising too readily or departing from its authorities, did the team endeavor to reach a good agreement that aligned with their company's interests? Was the content of the agreement (or where the teams did not reach agreement, the content of what they were trying to agree upon) clear and reasonable?

- ⇒ The teams should check what was agreed upon to each other. Documentation is not required. Oral confirmation is enough so long as the agreements are clear and definite. Please also evaluate the agreement in terms of whether it achieves maximization of self-interest, is within ZOPA, and is a Win-Win solution.

### **8 [Teamwork]**

Did the team members fulfill the roles that their positions required, and did they use good teamwork to negotiate?

- ⇒ The Intercollegiate Negotiation Competition takes teamwork very seriously. It doesn't mean each has to talk for the same amount of time, but if some contributed little or one dominated the negotiation, then the team may receive a poorer score. On the other hand, if the members help each other when a difficult situation arises, then the team may receive a better score.
- ⇒ Whether the participants were able to utilize effectively the online negotiation through Zoom will also affect the assessment of teamwork.

### **9 [Attitude to the negotiation]**

Did the team members demonstrate an attitude that was appropriate and ethical for a businessperson, considering the relationship with the other party?

- ⇒ Whether each of the team members negotiated as an ethical, responsible, and mature businessperson.
- ⇒ Whether the participants were able to utilize effectively the online negotiation through Zoom will also affect the assessment of attitude.

### **10 [Self-Evaluation]**

Based on the process and the outcome of the negotiation, was the team able to reflect upon and evaluate their own and the other team's performance in a fair

and objective manner?

- ⇒ The reflection includes the evaluation of the other side as well as the evaluation of the relationship of the two parties. A negotiator should be accountable, and he/she should be able to explain properly the ramifications, results and reasons of the negotiation.

## Attachment 3

		Round A	Round B	Total
Winner	東京大学 The University of Tokyo	105.33	104.667	213
2nd	チーム・オーストラリア Team Australia	107.125	102.75	212.875
3rd	上智大学 Sophia University	101	102.667	206.667
4th	大阪大学 Osaka University	93.5	108	204.5
5th	中央大学 Chuo University	100.667	96	199.667
6th	早稲田大学 Waseda University	101.833	94.833	196.667
7th	北京師範大学 Beijing Normal University	90.5	106	196.5

	Round A	Round B
全チーム平均点 Average of all teams	92.871	94.724
最高点 Highest Score	113	113
最低点 Lowest Score	67.6	73
1-7 位の大学の平均点 Average of 1-7 ranked universities	101.3	101.775
8-14 位の大学の平均点 Average of 8-14 ranked universities	93.269	95.038
15-19 位の大学の平均点 Average of 15-19 ranked universities	89.836	91.864
20-25 位の大学の平均点 Average of 20-25 ranked universities	82.843	86.607

最終順位で示した以外の大学の合計点は、次のようになっています。

The total scores of universities other than the top 7 universities are as follows:

8th: 192, 9th: 190.5, 9th: 190.5, 11th: 189.75, 12th: 188, 13th: 187.833,  
14th: 185.5, 15th: 184, 16th: 183.6, 17th: 181.5, 18th: 180, 19th: 179,  
20th: 177.975, 21st: 174.1, 22nd: 173.5, 23rd:173, 24th: 162.05, 25th:  
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