

Excerpt from the Judges' Handbook

II Schedule

1. November 15 Round A

13 : 00	Opening Ceremony (6-101)
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14 : 00	Round A (Meeting Room for each match)
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- **Notes on Hybrid Matches**

In the hybrid matches, online participants/judges will participate via Zoom from their own PCs. During the match, judges participating online are requested to make their video on (please turn your microphone on only when speaking). On the other hand, participants and judges who have joined in person in the Match room do not need to provide their own PCs but will use Meeting Owl conferencing systems to capture their own images and pick up the audio.

<https://meetingowl.jp/>

Standard Timetable

1. 13:55 Entry into the Match Room or Meeting Room via Zoom

2. 14:00 - 14:10 Preparation for Match

(1) Setting of the Meeting Room and/or Zoom preparation

Please instruct the participants to prepare the Match room and to arrange seating for visitors close to the entrance.

(2) Explanation for the method of proceeding with Round A

Regarding the method of proceeding with Round A, Rule 7 (16) sets out the following:

The arbitration panel's method of arbitration procedure may be one of the following forms: ① give each team of petitioners and respondents a certain amount of time of about several dozen minutes for oral argument, and then give each team a certain amount of time for rebuttal (surerebuttal as the case may be). (The arbitrators may ask necessary questions during or after argument. If there is no longer enough time for argument due to such questions/responses during argument, then the duration of argument may be extended by a certain amount of time), ② designate the total duration of time that can be used by Red and Blue to make assertions/rebuttals in each case, and leave each respective party to decide how to spend such time. (Similar to a time allocation in chess, as long as it is within the total time given, parties are free to use whatever duration for whatever assertion in whatever point at issue, but caution should be exercised because if they spend too much time on a minor point, they will lose time for sufficiently making assertions on important issues.) (In this method, as in method ①, the arbitrators may ask necessary questions during or after argument. If there is no longer enough time for argument due to such questions/responses during argument, then the duration of argument may be extended by a certain amount of time), or ③ instead of allocating a certain amount of time for each issue and assertion, as in ①, or leaving time management entirely to the parties, as in ②, issues are organized and both parties make assertions under the direction of the arbitrators. The arbitrators can designate one of these methods at the starting of the arbitration. Depending on the circumstances, the arbitrators may slightly adjust the time allocations or may change the method of procedure midway through. In the case of method ①, the "certain amount of time" will be specified by the Steering Committee and will be designated "certain duration of time" will be designated in a newsletter later.

Therefore, before starting Round A, please announce to the participants as to which of the methods ①, ②, and ③ will be used. You may decide after consulting with participants. Depending on the situation of the procedures, you may change the method midway. Further, the method may be changed in each issue.

3. Match 14:10 – 18:00

14:10-15:50 RedAid Case (100 minutes)

Opening Statement by Red (3 minutes)

Opening Statement by Blue (3 minutes)

Hearing

If the arbitrators adopt method ① as mentioned in Article 7(16) of the Rules, please use the following time allocation for RedAid Case and Tourism Case as the standard time allocation. However, if both teams agree, it is possible to change the time allotted to each issue, or the time allotted for claims, rebuttals, and rejoinders, or to deal with several issues at once. However, even in cases where both teams have agreed, if the

arbitrators believe that the content of the agreement on the arbitration procedure is not appropriate, the arbitrators may reject the agreement in whole or in part. In such a case, or if the views of the parties differ, the arbitrators may either follow the time allocations set forth below or make their own determination as to the appropriate time allocations. In that case, the arbitrators' decision cannot be challenged.

Questions by Arbitrators may be made during the assertion or rebuttal. If, as a result of questions asked by the arbitrators, teams no longer have enough time for making assertions or rebuttals, then arbitrators may extend the time of assertions and rebuttals up to the time used to answer questions.

In case the arbitrators adopt method ② as the method for arbitration procedure, each team is allocated 36 minutes and 26 minutes is allocated for questions by arbitrators in RedAid Case. In Tourism Case, 28 minutes for each team and 18 minutes for questions by arbitrators are allocated.

In case the arbitrators adopt method ③, please use the following as a reference to consider times for each issue.

Issue 1 (38 minutes)

Assertions by Red (within 10 minutes)
Assertions by Blue (within 10 minutes)
Rebuttal by Red (within 4 minutes)
Rebuttal by Blue (within 4 minutes)
Questions by Arbitrators (within 10 minutes)

Issue 2 (38 minutes)

Assertions by Blue (within 10 minutes)
Assertions by Red (within 10 minutes)
Rebuttal by Blue (within 4 minutes)
Rebuttal by Red (within 4 minutes)
Questions by Arbitrators (within 10 minutes)

Issue 3 (18 minutes)

Assertions by Blue (within 4 minutes)
Assertions by Red (within 4 minutes)
Rebuttal by Blue (within 2 minutes)
Rebuttal by Red (within 2 minutes)
Questions by Arbitrators (within 6 minutes)

15:50- 16:00 Recess (10 min.)

16:00 – 17:20 Tourism Case (80 min.)

Opening Statement by Blue (3 minutes)

Opening Statement by Red (3 minutes)

Hearing

Issue 1 (36 minutes)

Assertions by Red (within 10 minutes)

Assertions by Blue (within 10 minutes)

Rebuttal by Red (within 4 minutes)

Rebuttal by Blue (within 4 minutes)

Questions by Arbitrators (within 8 minutes)

**In Issue 1, since Red Inc. is making important arguments such as that Blue should bear the costs, Red will present its arguments first.

Issue 2 (24 minutes)

Assertions by Blue (within 6 minutes)

Assertions by Red (within 6 minutes)

Rebuttal by Blue (within 3 minutes)

Rebuttal by Red (within 3 minutes)

Questions by Arbitrators (within 6 minutes)

Issue 3 (14 minutes)

Assertions by Blue (within 3 minutes)

Assertions by Red (within 3 minutes)

Rebuttal by Blue (within 2 minutes)

Rebuttal by Red (within 2 minutes)

Questions by Arbitrators (within 4 minutes)

17:20-17:30 Preparation for the closing arguments (10 minutes)

Before the teams break to prepare for the closing arguments, please decide which team will make its closing argument first by rock-paper-scissors (the winner may choose).

17:30-17:40 Closing arguments by Red and Blue (5 minutes each)

Which team will make its closing argument first should be decided by rock-paper-scissors (the winner may choose).

17:40-18:00 Comments by judges

Closure of Round A and Announcement

Once the comments by the judges are finished, please make the following announcement:

"Round A is now concluded. Please return desks and chairs to their original state. Please join the welcome party, which will be held at 6:30 p.m. in the cafeteria on the 5th floor of Bldg. 2. Luggage can be left in the Lounge. There is no luggage storage space in the cafeteria."

Important Notes on Round A

* Participants have been informed of this Standard Timetable, so please do not depart drastically from the above standards.

* Whichever procedural method is used for the hearing, please be sure to give participants from each side a maximum of 3 minutes for their opening statements before the hearings on each case. At the end of Round A, please be sure to give participants a maximum of 5 minutes each for closing arguments. The evaluation items include opening statement and closing argument, and there are students who have prepared specially for those, so please be sure to provide time for the opening statements by both teams on each case and for the closing arguments. Please measure the time with your watch and please instruct the teams to stop speaking even if they have not finished their statements within the above time limits. The opening and closing statements may be made either by a single member of the team or by two or more members.

* Please do not drastically extend the time for hearings/statements. If one set of judges allows such extension and others do not, it might be a cause for complaints from the participants.

* The purpose of Round A is not to reach a conclusion and issue a decision. If the arbitrators adopt method ③ as the method for the arbitration procedure (the method in which the issues are organized and both parties make assertions under the direction of the arbitrators, in the manner the arbitrators deem appropriate, instead of allocating a certain duration of time for making assertions), when the parties have argued sufficiently on each issue, please move to the next issue. Do not use too much time on any single issue.

* In order to avoid disadvantages to one party, and to give participants good opportunity to show what they have studied and prepared, please make efficient use of time.

18 : 00	End of Round A ⇒ Evaluation
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- If all judges are participating in person, please return to the Judges' room for evaluation
- If one or more judges have judged online, please ask the participants to leave the room, then judges use the match room to discuss among themselves using the Zoom setting in the room.

(1) Online Input Form for Evaluation

- Evaluation will be carried out using an online input form.
- To have the scores automatically counted, we will inform each judge by e-mail of the URL for the online input form immediately before the Competition.
- You are asked to fill in the evaluation results on your own smartphone or PC. If this is difficult, you can fill in a paper evaluation form and our staff will enter the results for you.

(2) Evaluation Steps

At the time of evaluation, please proceed through the following steps:

- ① Before you exchange information with the other two judges, please fill out your own initial score in the paper evaluation form.
- ② Once you have completed ① above, exchange information and discuss with the other judges regarding evaluations.
- ③ Once ② above is done, make a final check of your scores, click on the link to the online form of the evaluation sheet, which will have been notified to each of the judges, and from there, fill out and send the form.
- ④ If you need to make corrections, once again open the form from the link for grading, and promptly make corrections.
- ⑤ Once all judges on the same panel have completed the evaluation and have sent the online form, please inform the headquarters that the evaluation has been completed. Headquarters staff will check whether the data is properly registered. Please do not leave the Judges' Room or the Breakout Room until the staff have completed their checks.

※ The evaluation will be done by judges separately and independently. The information exchange and discussion indicated above in ② are for ensuring that evaluations will be carefully carried out. This does not mean that the scores must be adjusted so they are the same for each of the judges.

※ If you have any other questions regarding the evaluation process, please feel free to ask the Steering Committee members.

18 : 30	Welcome Party
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If you have time, please also join the welcome party, which will be held at 6:30 p.m. in the cafeteria on the 5th floor of Bldg. 2.

20 : 00	Closing of Welcome Party
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2. November 16 Round B

11 : 30	Round B (Meeting room for each match)
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· Notes on Hybrid Matches

In the hybrid matches, online participants/judges will participate via Zoom from their own PCs. During negotiations, judges should turn off their video. Please turn your video back on for self-introductions and critiques (please turn your microphone on only when speaking). Participants and judges who have joined in person in the Match room do not need to provide their own PCs but will use Meeting Owl online conferencing systems to capture their own images and pick up the audio.

<https://meetingowl.jp/>

1. 11:20 - 11:30 Preparation for the Match

Please instruct the participants to prepare the Match room and to arrange seating for visitors close to the entrance.

Then, please instruct the participants decide which team will go first for the Explanation to Judges and the Self-Evaluation, by using the game of “rock, scissors and paper.”

The winner of that game will get to choose whether to go first for the Explanation to Judges or for the Self-Evaluation (Rule 8 (8)④).

2. 12:00 – 12:20 Explanation to Judges

Each team has **10** minutes

- ① The explanations to the judges will not be heard by the other team. Please instruct the members of the other team to go out from the room until they are instructed to return.
- ② The team selected to give explanation first will explain their goals and strategy for the negotiation to the judges. Judges can pose questions to clarify the contents of the explanation; however, it is prohibited to give comments or advice that may relate to evaluations of the goals or strategy explained.
 - In the case of online match or hybrid match, the participants may give explanation by using the screen sharing function and while pointing to materials.
 - In the case of in-person match, the participants can use PowerPoint or other visual materials.
- ③ When the team that gives explanation first to the judges has finished its explanation, please have that team leave the match room and tell the other team to enter the match room.
- ④ When all the members of the team going second for the explanation have returned to

the match room or have joined the main room, have them provide their explanation to the judges.

- ⑤ When the second team has completed its explanation to the judges, for in-person matches, please have one of the students from the second team tell the other team to return to the match room.

3. 12:20-14:30 Negotiation (about 130 minutes)

- During the negotiation, please observe the participants' performance.
- In the case of an online match or hybrid match, during the negotiation, please turn off your video camera and microphone.
- Please do not extend the negotiation time. (There would be a complaint from participants in other rooms due to the time disparity).
- Because it is a negotiation during a limited time, the agreement need not be in writing, but it must be made in such a manner that the judges are able to confirm the contents of the agreement.

14:00 End of Negotiation Time

At the end of the negotiation time, please make the following announcement: "The negotiation time is over. Now, we will move on to preparation for self-evaluation."

4. Self-Evaluation

14:00-14:15 Preparation for Self-Evaluation

For preparation for the self-evaluation, in the case of in-person matches, allow one team to use the match room and the other to use a meeting room. In this case, the judges should leave the match room (so that the judges are not around when the teams are preparing for the self-evaluation. Judges participating online should make the volume zero).

14:15-14:35 Self-Evaluation ①

The self-evaluation will be conducted in the following manner.

- ① Please request the participants to explain, to judges, the team's views on the following questions (in about 10 minutes).
 - Have you achieved the objectives/goals of the negotiation?
 - Did the negotiation strategy you were thinking of work well?
 - 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?
- ② After that, judges may pose questions as appropriate (in about 5 minutes).
 - * "The presentation to judges may be made either by one representative or by two or more team members." (Rule 8 (8)③)
- ③ When the team that makes the self-evaluation first finishes, please have

one of the judges instruct the other team to return to the match room. In the case of in-person matches, please instruct the team that self-evaluated first to leave the match room. In the case of online matches, please instruct them to move to their breakout room. In the case of hybrid matches, please instruct the in-person participants to leave the match room and the online participants to move to their breakout room.

14:35-14:55 Self-Evaluation ②

After the first team has completed its self-evaluation, the second team will conduct its self-evaluation in the same manner.

When the self-evaluation for the second team has finished, one of the judges should instruct the other team to return to the match room.

14:55-15:15 Comments from Judges

Once comments are done, please make the following announcement:

“Round B is now concluded. Please join the closing ceremony, which will start at 16:30.”

15:15 End of Round B⇒ Evaluation
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- If all judges are participating in person, please return to the Judges’ room for evaluation
- If one or more judges have judged online, please ask the participants to leave the room, then judges use the match room to discuss among themselves using the Zoom setting in the room.

(1) Online Input Form for Evaluation

- Evaluation will be carried out using an online input form.
- To have the scores automatically counted, we will inform each judge by e-mail of the URL for the online input form immediately before the Competition.
- You are asked to fill in the evaluation results on your own smartphone or PC. If this is difficult, you can fill in a paper evaluation form and our staff will enter the results for you.

(2) Evaluation Steps

At the time of evaluation, please proceed through the following steps:

- ① Before you exchange information with the other two judges, please fill out your own initial score in the paper evaluation form.
- ② Once you have completed ① above, exchange information and discuss with the other judges regarding evaluations.

- ③ Once ② above is done, make a final check of your scores, click on the link to the online form of the evaluation sheet, which will have been notified to each of the judges, and from there, fill out and send the form.
- ④ If you need to make corrections, once again open the form from the link for grading, and promptly make corrections.
- ⑤ Once all judges on the same panel have completed the evaluation and have sent the online form, please inform the headquarters that the evaluation has been completed. Headquarters staff will check whether the data is properly registered. Please do not leave the Judges' Room or the Breakout Room until the staff have completed their checks.

※ The evaluation will be done by judges separately and independently. The information exchange and discussion indicated above in ② are for ensuring that evaluations will be carefully carried out. This does not mean that the scores must be adjusted so they are the same for each of the judges.

※ If you have any other questions regarding the evaluation process, please feel free to ask the Steering Committee members.

17:00-18:30	Closing Ceremony (6-101)
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~Please come and join us if your time permits.

III. 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 respective party (Red Corporation or Blue University)
 - Round B: each member acts in a specific role, including those specified in the Problem. Who will 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:

- 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:

- 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)

(1 0) 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, 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) Rules for the Procedures

- 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.

②Applicable Procedures

Procedures of the arbitration shall be governed by the 2021 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. Rule 6(5)(i)(a) states that “the relevant part of the UNCITRAL Rules (as revised in 2021) shall be applicable in conducting the arbitration.” Please understand that UNCITRAL Arbitration Rule (2021) as a whole will be applied.

③Burden of Proof

Rule 7 (17)

(1 7) 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 or other materials.

⑤ Issues NOT Specified in the Problem

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

⑥ 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)

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.
 - 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.
- 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:

① The 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.

② The memorandum shall be made by a PDF file, with A4 size page setting. The maximum length of the memorandum is twelve (12) pages, for both the Japanese and English divisions (excluding the cover page).

③ A cover page should be attached to the memorandum, setting 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.

(3) Meeting with judges to explain the goals and strategies of the negotiation (Rule 8(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.

(4) The Venue of Negotiation

Rule 8(3)

(3) Negotiations that judges are not able to observe, such as negotiations outside the match room or, if applicable, the Zoom meeting room, or negotiations using digital devices, are prohibited. ... The timing and length of such internal team discussion are to be negotiated by the parties.

(5) 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 for 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 reflects the limited time constraints 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)

(1 0) In the event an agreement is reached, the content of the agreement shall be

confirmed by the parties in a manner appropriate to the 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.

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.

(2) In the case of online matches, 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. In the event of hybrid format, presentation of materials should be made in such manner that all members can see the same materials, for example by submitting papers and using screen sharing function.

(3) If a team presents materials other than documents that the team has submitted in advance to the Steering Committee under this Rule, before or immediately after the presenting the material, the team shall provide the hard copy in the case of matches taking place in person or send the file of the material to the judges and the counter party in the case of online matches.

(4) The counter party may request sufficient time to examine materials after receiving them.

(5) 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 efficient procedure.

(6) 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.

5. Notes on hybrid or online matches

The competition may be conducted in a variety of formats, including cases where all participants and judges participate in person in match rooms, cases where all or some participants from one or both teams and all or some judges participate online and others participate in match rooms, and cases where all participants and judges participate online.

It is also likely that some participants/judges may join online for the competition suddenly, depending on their health condition on the day of the competition. If some of the participants are online, a camera and microphone will be installed in the match room that will capture the view in the match room on Zoom, as well as projecting the Zoom image on a screen in the match room. In hybrid match rooms, staff members will be assigned to support the operation of Zoom, so please follow their instructions.

6. Complaints

Complaints against another school can be raised pursuant to Rule 19 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

Rule 20

- (1) Participants, judges, and instructors consent to the collection of their personal information such as name, affiliation, video footage and images (including cases where the subject's name can be identified from a name tag). Such personal information may be (jointly) used in the brochure made by the Steering Committee, in the official website of this Competition, in the photos and video taken and made by the Sumitomo Group Public Affairs Committee, in live streaming of opening/closing ceremonies and matches, and in other materials deemed necessary by the Steering Committee or publications by sponsors and so on. The Steering Committee may share the photos with participants and instructors after the Competition. However, these photos are for personal use only, and any use must respect the privacy of others.
- (2) Participants, judges, instructors, and visitors consent to the video/digital 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) In case of fin-person and hybrid matches, participating teams may wish to arrange to have their own matches recorded for future educational, research, or training purposes. In such a case, the team must consult with the opposing team to receive its consent to the recording. In no event, however, is recording allowed during recesses or when the opposing team is alone in the match room. Furthermore, if the other team requests the recording data, the data should be shared using appropriate means such as online storage
- (4) In the case of online matches, participants may not make a recording of the competition sessions. If participants need a video of their team in the online match, participants may receive the recorded data from the Steering Committee in accordance with the prescribed procedures
- (5) This Competition is open to visitors. Friends and family of the participants are free to watch the Competition provided they follow the necessary procedures at the reception on the day of the Competition and comply with this rule.

8. Prohibition (Rule 17)

The following matters are prohibited:

- Communication, information exchange, and/or negotiation during the rounds on the Problem with anyone other than the members of the same team by using digital devices or any other means (members of the same team may freely communicate with other members of the same team). Please note that, during the rounds, communication with members of other teams of the same university is prohibited.
- Behavior that is against the manner expected of lawyers or ordinary business persons.
- Giving gifts, such as drinks and sweets, to judges during the Competition.
- Visitors' use of electronic devices that produce operating noises during the rounds.
- Use of generative AI during the rounds (use of generative AI during the preparation before the Competition is permitted).

9. Coaching

- The Supervising Instructors 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 13 (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 12 (10))

10. Anti-infection measures

- If any student or visitor has a fever, cough or other symptoms that raise suspicions of an infectious disease, they should not be allowed to participate in person or visit the campus.
- If a person who has registered to participate in person wishes to switch to online participation for reasons of health or other unavoidable circumstances, he or she must inform the Steering Committee as soon as possible. The Steering Committee will allow online participation unless it interferes with the operation of the Competition.

IV. Judging and Awards

1. Allocation of judges

- Notice will be given via email around November 6.
- A panel normally consists of 3 or 4 judges. One of the judges may be a previous participant in the INC.
- In both Round A and B, the score of each team is the total points of three judges minus the penalty points deducted from the score pursuant to these rules. In case the number of judges is more or less than three, the score of the team shall be obtained by dividing the total of the score of all judges by the number of judges and multiplying the result by three. (Rule 11(8))

2. Evaluation System

(1) General Remarks on 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 that must be completed within 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.
- 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 12(10))

2. Awards

- Awards are given to the first ranked to tenth ranked universities.
- The first ranked university will receive the Sumitomo Cup.
- In addition, the following special awards will be given:
 - 1st to 5th ranked universities in Japanese matches
 - 1st to 5th ranked universities in English matches
 - 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
 - Steering Committee Special Award

3. 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 criterion 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.
- The evaluation criteria are shown in Attachment 1.
- The results and the level of points for each ranking range in the 22nd competition (held in 2023) are shown in Attachment 2.
- 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 terms "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 the rankings from 0 – 5.

0: No trace of minimum preparation is observable, and the lack of preparation

would adversely affect the other party. Lack of effort and seriousness are obvious.

- 1: Though a 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.

- 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.

4. Procedure for filling out the evaluation form

(1) Online Evaluation Forms

- Evaluation will be carried out using an online input form.
- To have the scores automatically counted, we will inform each judge by e-mail of the URL for the online input form immediately before the Competition.

(2) The procedure for the evaluation

Please follow the procedure below when you make the evaluation.

- (1) When Round A/B ends, please return to the Judges' room for evaluation.
 - In the case of hybrid match, judges who evaluate online will be separately informed of the URL of the Zoom meeting room for discussion with other judges during the evaluation.
- (2) Before you exchange information with the other two judges, please fill out your own initial score in the paper evaluation form.
- (3) After completing (2) above, please exchange information and discuss with the other judges on your panel concerning the evaluation. If, after discussion with the other judges, you decide to adjust scores on one or more items, please revise your initial scores accordingly.
- (4) After completing (3), please finalize your scores. When you have finalized your scores, please fill out the Online Evaluation Form carefully and "send" it.
- (5) If you need to correct your scores, please reopen the online evaluation form, and re-enter the score as soon as possible.
- (6) If the score is accepted, you will receive an email showing the score you registered. If you need to change the score, please make necessary changes immediately.
- (7) Once all judges on the same panel have completed the evaluation and have sent the online form, please inform the headquarters that the evaluation has been completed. Headquarters staff will check whether the data is properly registered. Please do not leave the Judges' Room or the Breakout Room until the staff have completed their checks.

- * Evaluation should be made *individually* and *independently* by each judge. Exchange of information and discussion described in (2) are merely a process for exchange of opinions to ensure that you are careful and meticulous in making your evaluation.
- * If you have any questions during this process, please do not hesitate to contact the Steering Committee.

5. Handling evaluation results

- At the closing session, we will announce to all participants the schools ranking 1st through 10th (with the points each team achieved).
- We decide the ranking based on the total scores of each university: Points given by judges – Penalty (if any) + Additional Points (universities with both Japanese and English teams receive 3 additional points).

- The evaluation results of each judge will not be publicly announced.
- In addition, we have an evaluation results notification system under which the points for each evaluation criterion in Round A and Round B and the overall ranking will be notified to universities wishing to receive such information. In this notification, we provide the total points for all three judges. Each university may choose to be notified of the average points received by the entire university, or points for each team and the average points for the entire university.

Evaluation Criteria

«Round A : Arbitration»

1 [Preparatory Memorandum/Response (Persuasiveness, Expression, Organization)]

Are the claims that should be asserted presented effectively? Are the arguments in the documents as a whole logical and persuasive? 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 evaluate not only in terms of the legal persuasiveness, but also in terms of the real-life substantiation, e.g., extrajudicial persuasiveness.
- ⇒ 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.

2 [Opening Statement]

Was the Opening Statement clear and effective? Did the opening statement demonstrate a satisfactory degree of preparation and practice?

- ⇒ As to the opening statement, please evaluate the effectiveness in terms of agenda setting for the subsequent arbitration, and the time management skill.

3 [Oral Argument: RedAid Case]

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.
- ⇒ 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 etc., 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: Tourism Case]

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.
- ⇒ 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 etc., 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.

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.

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 [Closing Statement]

Was the Closing Statement persuasive and effective?

- ⇒ 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.

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?

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.

«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 side, based on the given facts and in light of a full exploration of their own and the other side'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/Persuasiveness]

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 side'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.

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.

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 2: Scores in the 23rd Competition (2024)

		Round A	Round B	Total
Winner	チーム・オーストラリア Team Australia	118	109.25	227.25
2nd	上智大学 Sophia University	100.75	106.25	210
3rd	シンガポール国立大学 National University of Singapore	102.5	104.3333	209.8333
4th	東京大学 The University of Tokyo	104.75	100.75	208.5
5th	大阪大学 Osaka University	103.5	100.5	204
6th	日本大学 Nihon University	99	102	201
6th	George Mason University Korea Campus	103	98	201
8th	明治大学 Meiji University	95.125	101.875	200
9th	九州大学 Kyushu University	97.3333	99.5	199.8333
10th	中央大学 Chuo University	95.25	100.75	199

11th: 198.5, 11th: 198.5, 13th: 196.5, 14th: 192.375, 15th: 192.25, 16th: 190.5, 17th: 190, 18th: 189.9, 19th: 189.5, 20th: 189.17, 21st: 189, 22nd: 184.5, 22nd: 184.5, 24th: 182.25, 25th: 180.25, 26th: 178.75, 27th: 178.5, 28th: 176.5, 29th: 175.25.

	Round A	Round B
全チーム平均点 Average of all teams	95.95	97.71
チーム最高点 Highest Team Score	119	116.5
チーム最低点 Lowest Team Score	70.5	70
1-10位の大学の平均点 Average of 1-10 ranked universities	101	102.48
11-20位の大学の平均点 Average of 11-20 ranked universities	92.1	97.86
21-29位の大学の平均点 Average of 21-29 ranked universities	91.9	88.6