

[Translation] Rules of the Fourth Intercollegiate Negotiation Competition

NOTE: This translation is intended for reference purposes only. The Japanese version is controlling.

1. Rules

- (1) The Fourth Intercollegiate Negotiation Competition shall be conducted in accordance with the following rules (the “Rules”).
- (2) The Rules may be amended from time to time by the Steering Committee. Notice of any such changes shall be delivered promptly by the Steering Committee.
- (3) Questions relating to the Rules must be addressed to the Steering Committee by the relevant deadline in Article 2(2) of the Rules. With respect to questions which the Steering Committee decides to answer, the Steering Committee shall respond by sending (1) the question and (2) the response to all participants to the relevant schools. However, the Steering Committee has the right to decline to answer any questions at its sole discretion.

2. Time and Place

- (1) The time and place of this competition is as follows.
 - 1 Time: December 3 and 4, 2005
 - 2 Place: Sophia University 7-1 Kioi-cho, Chiyoda-ku, Tokyo
- (2) The schedule leading up to the competition is as follows.
 1. Announcement of the Rules & Distribution of the problem:
October 7 (Fri).
 2. Submission deadline for formal registration:
October 18 (Tue), 17:00
 3. Announcement of the the match table and distribution of confidential information:
October 20 (Thu)(tentative)
 4. Deadline for questions about the Problem and the Rules:
November 5 (Sat), 17:00
 5. Registration of Roles:
November 5 (Sat), 17:00
 6. Submission deadline of the preliminary memorandum for Round A:
November 23 (Wed) 17:00
 7. Submission deadline of the preliminary memorandum for Round B:
November 30 (Wed), 17:00

3. Steering Committee

- (1) In addition to setting the Rules, the Steering Committee shall manage and control all matters in relation to the competition.
- (2) All communication, questions and submission of preliminary memorandums to the Steering Committee shall be made via email, addressed to the following addresses:
negocomp@ml.osipp.osaka-u.ac.jp and tetsu-mo@sophia.ac.jp
- (3) Communication from the Steering Committee to each school shall be made by email addressed to the registered email address of the representatives or the supervising professor of each school.

4. Registration

- (1) Each participating school shall register the list of participants and other relevant information in the provided format by the relevant deadline.
- (2) The competition has two sections, one is the section conducted in Japanese (the Japanese section) and the other is the section conducted in English (the English section). Each participant needs to be registered in either the Japanese section or the English section.
- (3) Each school may register up to 2 teams for the Japanese section and 2 teams for the English section. Each team shall consist of 4-6 participants. The Steering Committee may grant special exemptions from this restriction.
- (5) Each school shall designate one or two representatives and one instructor to receive communication from the Steering Committee. Communication and announcements from the Steering Committee shall be made by email to the email address of such registered representatives or registered instructor depending on the content of such communication and announcements. Questions to the Steering Committee shall be made by the registered representatives or by the registered instructor.

5. Problem

- (1) The following information will be given to each school:
 1. General information common to all participants (to be distributed via the Competition website); and
 2. Confidential information specific to parties on each side of the competition (to be sent to instructors).
- (2) Questions about the problem shall be addressed to the Steering Committee by the relevant deadline. The Steering Committee shall reply to such questions by giving its answer to all the schools (in the case of questions relating to the general information) or to the relevant schools (in the case of questions relating to the confidential information).

The Steering Committee has the right to decline to answer any questions at its sole discretion.

- (3) Confidential information may not be revealed to other schools.
- (4) Both the general information and the confidential information of both sides shall be given to judges and instructors.
- (5) The Steering Committee may make amendments to the problem from time to time. In such case, the notice of such amendments shall be sent to each school promptly.
- (6) The Japanese text of the problem is controlling for the Japanese section, and the English text of the problem is controlling for the English section. All involved in the competition should take note that there is no guarantee that the Japanese and the English content correspond with one another.

6. Basic Structure

- (1) In this competition, there is a Japanese section and an English section.
- (2) Each school will be designated in the role of either “Red” or “Blue”.
- (3) The matching of teams for the competition shall be decided by the Steering Committee.
- (4) Negotiations with other schools prior to the competition are prohibited.
- (5) The competition shall take place in two rounds, as follows.
 1. Round A
 - (a) An arbitration based upon the UNCITRAL rules shall be conducted.
 - (b) The applicable law shall be the UNIDROIT Principles of International Commercial Contracts (1994).
 2. Round B
 - A bilateral negotiation shall be conducted.
 - After the negotiation, the self evaluation in front of judges shall be made.
- (6) In Round A, all participants shall take on the role of lawyers for Red or Blue. In Round B, each participant in each team must be in one of the roles given below. Participants are required to conduct negotiations from the perspective of their respective roles. The details of each role are left to the discretion of each participating school, but in the course of the competition, judges may question participants concerning the details of their role. Judge will evaluate adequateness of role sharing.

<Red>

1. President (1)
2. Vice President: Money and Finance (1 Person)
3. Vice President: Economy and Industry (1 Person)
4. Vice President: Environmental Protection and Land Development (1 Person)
5. On-site Manager of Happy Resort (1 Person)

6. Vice President: (each team may decide his/her jurisdiction) (1 Person)

* If a team has 5 members, omit #6. If 4 members, someone shall take on two roles (#2-#4) concurrently.

<Blue>

1. Vice President (1 Person)

2. Senior Managing Director for International Affairs (1 Person)

3. General Manager of the Energy Department (1 Person)

4. On-site Manager of Happy Resort (1 Person)

5. Other General Managers (each team may decide his/her jurisdiction) (1-2 People)

* If a team has 4 members, omit #5.

(7) Each school shall register the role of each participant by the deadline specified in 2(2) in the designated form.

(8) In both Round A and Round B, it is not permitted to use a language other than the language of the section (this includes directions given by judges to participants, conversations with judges, and conversations within each team). However, this shall not apply to conversations within a team outside of the room in which the round is held, conversations with Steering Committee members, or conversations during break time.

7. Round A

(1) An arbitration shall be conducted in Round A (note that this differs from mediation and other processes). The arbitration panel shall consist of three arbitrators (judges, for the purpose of the competition). Of these, one shall be the chief arbitrator. The decision of the arbitration panel shall be made by majority decision (however, for purposes of judging the competition, each judge shall evaluate team performance independently), and in the event that the arbitrators are evenly divided, the decision of the chief arbitrator shall be treated as the final decision of the arbitration panel.

(2) The arbitration shall be conducted on the basis of the problem, the memorandum, the arguments made by the parties in Round A, and the materials filed by the parties for Round A under the Rules.

(3) The issues to be addressed in the arbitration shall be limited to those stated in the problem (the parties shall be deemed to have referred these issues to arbitration).

(4) Each team shall submit a memorandum of its claims and supporting reasons (the "preparatory memorandum" in the problem) by the deadline specified in 2(2) of this Rule. (The memorandum shall be typed in A4 size. MS-Word files are preferred. In the case of Japanese, submissions should be 40 characters by 40 characters per page, about four to five pages in length; in the case of English, submissions should be about 2500 to 3000 words in length.) by sending it to the Steering Committee as an email attachment.

(a small excess to the set limitation of pages and characters is acceptable)

When articles or cases are quoted in the memorandum, it is recommended to use the footnote function of MS-Word. Such articles and cases shall be submitted with the memorandum as attachment in PDF or other available format via e-mail. Pages and words of such attachment are not counted for the purpose of the limitation of the length of the memorandum.

It is not necessary for the contents of the memorandums of the teams of the same university to be the same. Names of the team and participants should be specified in the headline of the memorandum.

In the memorandum, all the issues indicated in the problem have to be mentioned, considering basic assertions of the counterparty mentioned in the problem. Arguments not mentioned in the problem may be considered in the memorandum by guessing possible arguments of the counterparty. The memorandum should be easy to understand its logical structure by using concise sentences, sub-sections, etc.

The memorandum will be disclosed to your counterparty before the Competition. Oral arguments not mentioned in the memorandum are permitted in Round A, but failure to cover an important point in the memorandum or to make oral argument conflicting in the position mentioned in the memorandum may be negatively evaluated.

The memorandum itself will be also evaluated. Delay of the filing of the memorandum, substantial excess to the set limitation of length may be a cause of deduction of points in evaluation by the Steering Committee.

(5) There is no examination of witnesses in the arbitration.

(6) The arbitration panel will not make an arbitral award.

(7) The controlling substantive law in the arbitration shall be the UNIDROIT Principles of International Commercial Contracts (1994).

(8) Procedure of the arbitration shall be controlled by the UNCITRAL rules of commercial arbitration; but in this competition, this refers to rules 15.1, 15.3, 20, 24 and 30 only (other rules shall not apply). In the event of a conflict between the aforementioned UNCITRAL provisions and these Rules, these Rules shall prevail. Matters covered neither by the aforementioned UNCITRAL provisions nor by the Rules shall be determined by the arbitration panel.

(9) Each team shall make a 15 minutes opening statement at the beginning, and 5 minutes closing at the end of the round to present their positions. The above statements may be conducted by one or more persons. After the initial 15 minute presentation, the order of counterarguments and presentations, and any other procedures for carrying forward with the arbitration shall be set by the arbitration panel.

(10) Participants should take note that, as a general matter, each side has an obligation to persuade the arbitration panel on its claim, by backing up with facts or reasoning found in the problem or other materials.

(11) Each team may request 5 minutes of caucus time per hour. 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.

8. Round B

(1) Participants shall share responsibilities and carry out their respective roles in order to ensure smooth operation of their team (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) The schools party to the negotiation shall determine, through negotiation, which members of each team shall participate in the negotiations in which manner, and in which manner the negotiation shall proceed.

(3) Each team shall submit a memorandum stating what it wants to achieve (the negotiation target) and an explanation of its reasons by the deadline specified in 2(2) of these Rules (The memorandum shall be typed in A4 size. MS-Word files are preferred. In the case of Japanese, submissions should be about 1000 characters in length; in the case of English, submissions should be about 400 words in length.) by sending it to the Steering Committee as an email attachment.

(4) Negotiations should be done in the designated place.

(5) Participants must follow the instructions by the judges.

(6) The time for negotiation shall be followed by a 15 minute period, during which participants may prepare for self evaluation.

(7) Following the 15 minute preparation period, with the winner of a round of rock-scissors-paper taking the lead, each team shall have 15 minutes to deliver an oral self evaluation before the judges in the following manner.

1. To report the result of the negotiation to the King (Red) or the President (Blue) (about 10 minutes). Judges will serve as the King or the President;
2. Self analysis: If the same negotiation were to be repeated the following day, which aspects of the team's approach would they choose to repeat, and which would they choose to change?

9. Submission of Materials

(1) Each school may submit materials to support its claims. Such materials are not limited to paper documents; projected images and the like may be used. When a team wants to use a projector, each team must prepare machines individually and make a prior notice to the Steering Committee.

(2) Notes by participants for personal reference during the proceedings, as well as memos, copies and other such materials for personal reference are excluded from the requirements of this paragraph.

(3) The UNIDROIT Principles of International Commercial Contracts (1994) are also excluded from the requirements of this paragraph. The Steering Committee will provide each judge and school with the Principles (with official comments).

(4) Materials may be used only after a complete copy has been passed to each member of the opposite team, and to the judges (prepare 15 copies, to assure enough for each member of the opposite team, plus the judges). Materials may be passed to the other side and to the judges in the course of the proceedings in both rounds; they need not be supplied in advance. However, the opposite team may request sufficient time to review the materials after receiving them.

(5) When using cases and arbitral awards written in foreign languages (other than Japanese language in the Japanese section and other than English language in the English section), the whole translation of the text or the “cases memo”, written in the language of the section and attached with the original document, should be submitted. If the original document is a summary, the participants can choose the whole translation of the summary or the “case memo”. Still, if the description is abstract and unclear as a result of using a summary, the document value will be decreased. “Case memo” should specify:

- Name of the court, date of the judgment, citation;
- Summary of the facts (parties, facts, petitions);
- Summary of issues and judgments (all the petitions and issues should be mentioned in concise manner.)
- Relations of the case and the assertions in the Competition;
- Translation of the relevant parts of the case, which will be introduced to support the argument.

(6) Judges and arbitrators may in their sole discretion refuse to permit the use of any set of materials or item therein.

(7) Materials passed to the opposite team but not referred to in the proceedings shall not be considered in evaluation.

(8) Other than the case in above (5), in both the Japanese section and the English section, any materials not in the native language of the section must be accompanied by a translation (this shall not apply to portions of such materials to which reference is not to be made in the course of the proceedings). Errors in translation will result in a loss of points for the round concerned.

10. Judging

(1) Team performance shall be judged in Round A by a panel of 3 judges.

(2) Team performance shall be judged in Round B by a panel of 3 judges.

(3) Evaluation standard will be disclosed on the website of the competition. Judging shall be on the basis of absolute (not relative) performance.

- (4) In principle, Round A and Round B will be judged by different judges. When the same judge serves in Round A and Round B, the judge shall not take into consideration of the performance of Round A in the context of judging Round B.
- (5) The Steering Committee shall appoint the judges.
- (6) In both Round A and Round B, the arbitrators and judges may ask any questions of the participants that they feel necessary to the task of judging the competition.
- (7) In both Round A and Round B, it is expected that comments on the performance may be given by judges, but the evaluations of individual judges will not be disclosed.
- (8) For schools represented by multiple teams, the average scores achieved by all of its teams shall be the score of the school.
- (9) Persons who have instructed teams in preparation for this year's competition may not judge a match involving the team which they have instructed (instructors who have not been involved in the supervision of a team shall not be barred from judging a round on the grounds that it involves a team from their own school).
- (10) Judges shall be permitted to make a record of the proceedings.
- (11) Judges shall submit the evaluation form to the Steering Committee within 30 minutes of the completion of the round to be judged.
- (12) The points achieved by a school shall be the total of points given by each judge, acting independently, in Round A and Round B. However, this shall not prevent judges from exchanging views in connection with the judging process.
- (13) The Steering Committee shall hold an advanced briefing with the judges, in order to ensure uniformity in evaluation process.

11. Support from Supervisors, etc.

- (1) Advice from the instructors of each school in preparations for the competition is encouraged.
- (2) During each round, instructors of each school may not provide directions or advice to team members.

12. Dress, Name Card, Name Tag, Name Plate

- (1) Participants shall dress appropriately for business negotiations at each round.
- (2) Participants have to make name cards and hand them to the counterparts in each Round. University, company, title, and name should be specified in the name cards.
- (3) Participants have to make and bring the name tags and name plates in the following format.
 1. Name Tag
 - Size: Normal name card size. Please prepare its plastic case, too.
 - Content: Please show the name of the university and the participant in

Japanese for the Japanese section participants and in English for the English section participants.

Colors: light blue (sky blue) for Blue, pink for Red.

2. Name Plate

The name plate will be put on the table during Rounds.

Size: To fold B5 paper in three, long sideways.

Content: Please show the name of the university and the participant in Japanese for the Japanese section participants and in English for the English section participants.

Colors: light blue (sky blue) for Blue, pink for Red.

13. Awards

(1) The school that achieves the highest number of total points shall receive the SUMITOMO competition award, and schools ranking 2nd through 5th shall receive the runner-up award.

(2) When the points achieved by two schools are identical, the tie shall be resolved by referring to the number of evaluation categories in which each team scored the maximum number of possible points. When this also results in a tie, it shall be resolved by a rock-scissors-paper contest between representatives from each team.

14. Prohibitions

The following matters are prohibited:

(1) Advanced communication or negotiation on the problem with another school (including but not limited to face-to-face meetings, telephone calls, email messages).

(2) Matters prohibited by these rules.

(3) Failure to comply with the Steering Committee directions.

(4) Failure to comply with directions given by the judges.

(5) Breach of copyright and other laws.

15. Rule Violations

The Steering Committee shall not bestow an award on a school that it has determined to have violated the Rules (this shall include schools that have been subjected to a warning).

16. Complaints

(1) Complaints that another school has violated the Rules must be lodged with the

Steering Committee within 5 minutes of the close of each round by the school representatives of the schools involved. The Steering Committee shall issue its decision after hearing the response of the representative of the school concerning which the complaint has been lodged.

(2) Notwithstanding the preceding sub-paragraph, when immediate response is thought necessary, the representatives of each school may, even in the middle of a round, ask the judges to confirm the Rules, and request that the behavior of the other school 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.

(3) The decision of the Steering Committee in subparagraph 1 above, and that of the judges in subparagraph 2 above are final, and may not be appealed.

17. Brochure, Video Recording

(1) Participants consent to the listing of their names, academic department and year in the brochure made by the Steering Committee and video made by Sumitomo Group Public Affairs Committee.

(2) Participants consent to the video recording of the proceedings, and to the use of such recording in future education, training, and advertising.

(3) If a team wants to arrange for the video recording of sessions, such team must prepare the necessary video equipment and media. In addition, prior notice is to be given to the Steering Committee.

18. Costs

(1) In principle, costs arising from participation in this competition shall be borne by the individual participants.

(2) This competition is receiving support from the Sumitomo Group Public Affairs Committee. Authority to use of funds received from Sumitomo Group shall lie with the Steering Committee.