



ANNUAL WILLEM C. VIS INTERNATIONAL
COMMERCIAL ARBITRATION MOOT

28th Willem C Vis Moot - Invitation to submit an application of interest for providing the platform for conducting remote hearings

Vis Moot background

The Willem C. Vis International Commercial Arbitration Moot is a competition for law students from universities from all over the world. The goal of this competition is to foster the study of international commercial law and arbitration for resolution of international business disputes through its application to a concrete problem of a client and to train law leaders of tomorrow in methods of alternative dispute resolution. The Vis Moot usually takes place in Vienna during the Easter week. It attracts around **3500 people** including team members from all over the world, coaches and highly regarded international arbitrators who travel to Vienna to be involved in this multinational event. Early indications suggested a record number of teams would participate in 2020 with more than 400 registrations. However, mid-way through preparations, the global COVID-19 pandemic meant it was necessary to urgently and swiftly pivot the Vis Moot into an online event. In April 2020 we welcomed 250 teams in the first virtual Vis Moot.

The Structure of the Moot

The Moot involves a dispute arising out of a contract of sale between two countries that are party to the United Nations Convention on Contracts for the International Sale of Goods. The contract provides that any dispute that might arise is to be settled by arbitration in Danubia, a country that has enacted the UNCITRAL Model Law on International Commercial Arbitration and is a party to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards. The arbitral rules to be applied rotate yearly among the arbitration rules of co-sponsors of the Moot.

The business community's marked preference for resolving international commercial disputes by arbitration is the reason this method of dispute resolution was selected as the clinical tool to train law students through two crucial phases: the writing of memoranda for claimant and respondent and the oral hearing. The forensic and written exercises require determining questions of contract -- flowing from a transaction relating to the sale or purchase of goods under the United Nations Convention on Contracts for the International Sale of Goods and other uniform international commercial law -- in the context of an arbitration of a dispute under specified Arbitration Rules. In the pairings of teams for each general round of the forensic and written exercises, every effort is made to have civil law schools argue against common law schools -- so each may learn from approaches taken by persons trained in another legal culture. Similarly, the arbitrators judging each round are from both common law and civil law backgrounds.



The 27th Willem C Vis Moot (1st Virtual Moot) at a glance

- 250 teams participated in the online hearings
- 2450 registered team members
- 900 registered arbitrators
- 1000 registered coaches
- 81 participating nationalities

There are approximately 300 teams currently registered to participate in the 28th Vis Moot. This means 600 general round hearings and 63 final rounds hearings. It is difficult to predict the likely final number of teams but in the vicinity of 350 (∴ 700 general round hearings). For planning purposes, the number of hearings can be determined with much greater confidence after 30 January 2021.

Hearings

The hearings are structured in general rounds and elimination rounds. Each team will argue four times in the general rounds, twice as claimant and twice as respondent. The general rounds are scheduled to take place from **March 27 to March 30, 2021**.

The general rounds will be scheduled so that, in principle, each team will argue once per day, Saturday through Tuesday. If it is not possible to schedule in this manner, a team may be scheduled to argue twice on the same day with no argument on one of the three other days of the general rounds.

Each hearing is allocated a two hour time slot. Historically, general round hearings are held Saturday through Tuesday commencing at the following times: 08:30, 10:30, 12:30, 14:30 and 16:30. All moots are held according to Vienna time. However, over the past 6 months we have developed our systems to create some flexibility. It is possible that a limited number of hearings would take place outside this 8 hour window, and hearings may not be scheduled to only start at these specific times.

Elimination round hearings are scheduled on Wednesday and Thursday (March 31 and April 1, 2021).

Wednesday Elimination rounds – 08:00, 11:00, 14:00 and 17:30

Thursday Elimination rounds and final - 9:00 and 13:00



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COMMERCIAL ARBITRATION MOOT

The oral presentation of each team is, in principle, thirty (30) minutes. The team should allocate equitably the time available to the two individual advocates. However, the arbitral tribunal may exceed the time limits stated so long as neither team is allowed more than forty-five (45) minutes to present its argument, including the time necessary to answer the questions of the tribunal. It will be the responsibility of the tribunal to ensure that the teams are treated fairly.

It would be ideal if teams and arbitrators can login to the system 30 minutes prior to the start of the hearing.

Traditionally, we would have been running (on average) 40 hearings simultaneously, with 200 across the day (a 10 hour period).

Platform

The platform we are searching for should be able to create a virtual hearing room.

The technology must include a video conference tool. The arbitrators are in control of proceedings and can, for example, discuss matters with the parties in plenary session or put them in caucus via a private virtual room facility. The virtual room facility shall be used only by the arbitrators to discuss how to proceed as well as to deliberate at the end of each session. In addition to the video-conferencing function, a chat function should give the participants a second option to communicate with each other. One shall be able to chat publicly with all users, or privately with one user, at any time, via the Chat function. Ideally there should be an ability to record the hearing, as well as any private causing rooms, and all chat discussion.

In each moot, 3 arbitrators, 2 oralists for claimant, 2 oralists for respondent as well as guests of both parties should be able to login and follow the hearing. One of the 3 arbitrators is the presiding arbitrator. The presiding arbitrator should be able to mute any participant in the hearing.

There are strict rules about how teams participate in the hearings (e.g. other team members cannot communicate or assist the two oralists), however traditionally, anyone would be allowed to sit in and watch the hearing. There is also a prohibition on “scouting” – no one associated with a team is allowed to see a team they will be competing against in advance.

All oralists and all arbitrators are likely to be in different locations across the world. As such the bandwidth capacity available to participants varies greatly.



The Vis Moot Association owns a database which functions as a single source of information for both, arbitrators and teams. We communicate with all participants via this database.

Support

Each hearing requires a technical assistant in the virtual hearing room. This person helps to run the hearings in a smooth manner.

Past Experience Observations

Platforms ordinarily designed for commercial dispute resolution place a high degree of emphasis on confidentiality and security. This can pose challenges in a moot environment. For example, it is unlikely to be feasible to require all participants to create individual login profiles beyond simple username/password. Creating generic profiles and reusing these across multiple moots is very logistically challenging.

There needs to be multiple lines of communication with all the participants in the moot. A trouble shooting function inside the platform, needs to be buttressed by communication options outside the platform.

Preparatory systems checks with arbitrators and participants is highly advisable.

The platform needs to be operable and supported in virtually every country in the world.

Evaluation Criteria

All tenders are expected to address the following criteria -

Relevant Experience / Track Record (10%)

Please provide some detail regarding the experience of key individuals who would be involved. Where possible please provide examples of relevant work previously undertaken.

Resources (10%)

Please provide some detail regarding the resources which would be utilised for delivery and support – eg bespoke software vs publicly available video conferencing platforms etc.



ANNUAL WILLEM C. VIS INTERNATIONAL
COMMERCIAL ARBITRATION MOOT

Methodology (20%)

Please provide some detail regarding the approach that would be taken to delivery and support, and to ensure a successful moot without incident. In particular please identify any perceived critical actions or timeframes.

Price (60%)

Please provide some detail regarding the expected cost. If it is necessary to procure licences for any software please ensure that this is carefully detailed. Please consider if the marketing effect that the use of your platform creates within the arbitration community or certain marketing opportunities to be agreed with the organizers of the Moot might have an effect on the price.

Submission Details

All tenders should be submitted via email to admin@vismoot.org by **Monday 30 November 2020**.

Please register your interest in submitting a tender as soon as possible. Questions or clarifications can be sought via the same email address up to 22 November 2020. The answers to any questions or clarifications will be distributed to all parties to have registered an interest in submitting a tender prior 22 November 2020. Tender submissions (including the identity of the tenderer) will remain confidential.

The Vis Moot Organizer will consider all applications and make a pre-selection of applicants to continue negotiations for submitting an offer.