

National Law School of India University  
in association with Trilegal and SIAC

WELCOMES YOU TO

The XIII

# NLSTIAM

National Law School - Trilegal International Arbitration Moot

21<sup>st</sup> - 24<sup>th</sup> May 2020

**RULES**



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## **XIII NLSTIAM RULES**

These are the rules for the XIII NLS Trilegal International Arbitration Moot. The Rules of the Moot are reviewed annually and are subject to change. Reliance on any past Rules or practice will not in itself be an acceptable excuse for the failure to comply with the rules of the current Moot.

### **1. DEFINITIONS**

- 1.1 “Administrator(s)”** means the Moot Court Society of the National Law School of India University, Bangalore, members thereof, or any person/persons appointed for the administration and conduct of the Competition, by the said Moot Court Society.
- 1.2 “Advanced Round”** means the Final Round, Semi-Final Rounds and Quarter-Final Rounds of the Competition.
- 1.3 “Bench Memorandum”** means the memorandum of law, issues and authorities concerning the competition problem prepared by the Authors/Administrator.
- 1.4 “Claimant”** means the side that argues on behalf of the Claimant at any given point in the competition.
- 1.5 “Clarifications”** refer to procedural order(s) and/or any clarification(s) issued by the administrator and published on the official website of the moot pursuant to Rule 7.
- 1.6 “Competition”** means the XIII NLS-Trilegal International Arbitration Moot, 2020.
- 1.7 “IST”** means Indian Standard Time.
- 1.8 “Memorial”** means the written arguments submitted by each team, submitted according to these Rules.
- 1.9 “Speaker”** refers to a participant who presents oral arguments in any given round.
- 1.10 “Official Website”** means the website of the competition ([www.nlstiam.in](http://www.nlstiam.in))
- 1.11 “Oral Round”** means a team’s pleadings, comprising two speakers, submitted orally in front of arbitrators, acting as adjudicators, on behalf of one of the parties against another team representing the opposing party.
- 1.12 “Participant”** refers to any member of an institution participating in the competition.
- 1.13 “Penalty”** refers to the deductions imposed on the memorandum scores of a participating institution, as provided for under Rule 10.3.
- 1.14 “Plagiarism”**– If, in the memorandum checker’s opinion, there is found to be an instance of plagiarism prevalent in a certain memorandum, the participating institution alleged to have committed plagiarism will be asked to show cause by the administrators. If found guilty

of plagiarism, the administrators may impose any sanction that it may deem fit, including disqualification from the Moot.

In instances where the participating institution is alleged to have plagiarized from the memorandum of another participating university memorandum, the latter will also be asked to show cause by the administrators. If, in the opinion of the administrators, the latter has willingly allowed the former to plagiarize from their work, such a participating institution shall also be held guilty of plagiarism and sanctioned by the administrators as they deem fit.

The administrators define plagiarism as including the following:

1. Direct duplication of the work of somebody else's work represented inter alia in books, articles, internet sources without acknowledgement.
2. Substantial duplication of somebody else's work represented inter alia in books, articles, and internet sources without acknowledgement. This would include work where sentences have been substantially copied, that is, where at the least seven continuous words from the original work are present in the impugned memorandum and/or where a segment of the impugned
3. Direct or substantial duplication of another moot memorandum, irrespective of whether that memorandum is a competing memorandum or not, and irrespective of whether there is acknowledgement or not. Substantial duplication denotes situations wherein sentences have been substantially copied, that is, where at the least seven continuous words from the original work are present in the impugned memorandum and/or where a segment of the impugned memorandum has been paraphrased from the other memorandum with minor changes, keeping intact the import of the latter.

**1.15 "Preliminary Rounds"** means the oral rounds which take place before the advanced round, as defined under Rule 1.2, and for the purpose of determining which teams qualify for the advanced rounds.

**1.16 "Problem"** means the official hypothetical Case- Study of the Competition released by the administrators. Clarifications as defined under Rule 1.5 shall form part of the problem.

**1.17 "Rebuttals"** refer to the arguments presented by the Claimant in response to the Respondent's submissions at the end of the main pleadings of all the speakers.

**1.18 "Respondent"** means the side that argues on behalf of the Respondent at any given point in the competition.

**1.19 "Scouting"** means a person observing the Oral Rounds of a team other than the team such person is associated with.



**1.20** “**Surrebuttal**” refer to the defense presented by the Respondent to the rebuttals as defined in Clause 1.15.

**1.21** “**Team Code**” refers to the code allocated to a participating institution by the administrator after completion of the Registration according to Rule 6.4.

**1.22** “**Tribunal**” means a collective reference to the arbitrators present at the oral round, where an “**arbitrator**” is an adjudicator of an oral round.

## **2. INTERPRETATION**

The administrators will have exclusive authority to interpret the Rules in the interest of fairness and equality. The interpretation placed upon these Rules by the administrators shall be conclusive and the decision of the administrators regarding the application of these Rules shall be final.

## **3. KEY DATES**

**3.1.** The following key dates shall be adhered to:

Last Date for Registration: March 15, 2020

Last Date for Sending Clarifications: February 27, 2020

Last Date for Submission of Memoranda: March 31, 2020

Last Date for Payment of Registration Fee by Foreign Teams: March 30, 2020

Last Date for Payment of Provisional Registration Fee by Indian Teams: March 15, 2020

Last Date for Payment of the Final Registration Fee by Indian Teams: April 26, 2020

Date of Oral Rounds: May 21 – May 24, 2020

**3.2.** Unless specified otherwise, the dates mentioned shall refer to 11:59 PM (Indian Standard Time/IST) on that date. For e.g., the last date for registering is March 15, 2020 which shall be interpreted as March 15, 2020, 11:59 PM (IST).

**3.3.** The administrators retain the authority to change the deadlines for any individual team, save for the deadline for submission of memoranda. The memorandum submission deadline shall NOT be extended for any individual team.

#### **4. ELIGIBILITY**

**4.1.** The Competition is open to all students, enrolled bonafide on a regular basis in an Undergraduate/Post Graduate law course (including LL.M. programs) or its equivalent conducted by any recognized institution.

**4.1.1** A recognized institution shall be entitled to send only one team to the competition, whether from the Undergraduate or Post Graduate law course, or a mixed team.

**4.1.2** In a system where a university has constituent colleges, each college can register a team or the university as such can be represented by a team comprising students from different constituent colleges.

#### **5. TEAM COMPOSITION**

**5.1.** A team can have a minimum of two members and a maximum of four members. In each of the oral rounds two members of the team will be speakers. Other members of the team shall not aid them during the presentation of arguments in any way whatsoever. Different members of the team can be speakers in different oral rounds. However, to be eligible for the award for Best Individual Speaker mentioned in Rule 15.3, a participant must have argued at least once for the Claimant and once for the Respondent during the preliminary rounds. The average score per argument will be calculated and the award will be determined on that basis.

**5.2.** Once registered, a team will not be permitted to vary the composition of the team in any manner. Changes, if any, may only be made with the express permission of the administrators (at their discretion), if due reason is shown for the same.

**5.3.** Any changes with respect to the contact details shall be notified to the administrators with immediate effect. This obligation to inform shall continue throughout the course of the Competition

**5.4.** Certificates for participating team members will be prepared from the team lists submitted. The certificates of participation will show the names of the team members exactly as they have been submitted. It is therefore incumbent on teams to ensure that names are spelled and presented correctly.

## **6. ASSISTANCE TO TEAMS FROM NON-MEMBERS AND/OR EXTERNAL SOURCES**

**6.1.** Every team must research and write its memorandum without the assistance of non-members. Teams may receive general advice from Faculty Advisors and/or Coaches. However, such advice must be limited to general advice on the area of law concerned, structure of arguments and general commentary on the team's arguments. No advice whatsoever may be taken from any member of another team or any Coach/Faculty Advisor of another team.

**6.2.** The Bench Memorandum shall be confidential at all times. Any team found making use of the Bench Memorandum shall be disqualified. In preparing its Memorials, no team may incorporate arguments or other information from the Memorials of other teams.

## **7. REGISTRATION**

### **7.1. GENERAL**

**7.1.1.** Each team shall register for the moot by filling the online registration form before March 15, 2020. The online registration form that needs to be filled is available [here](#) and on the official website of the Competition. The teams are strongly encouraged to complete the registration form at the earliest possible.

**7.1.2.** While filling the registration form, the teams have to choose a primary contact person. All communications concerning the Moot will be sent by e-mail to the nominated contact person. It is that person's responsibility to convey all relevant information and distribute all relevant material to the team.

### **7.2. REGISTRATION FEE**

**7.2.1.** The registration fee for all overseas teams is USD 150. For Indian teams, an initial registration fee of INR 3,000 shall be charged for provisional registration and submission of memoranda. This fee is non-refundable and has to be paid by all teams, irrespective of whether they qualify for the oral rounds.

**7.2.2.** For Indian teams that qualify for the oral rounds in accordance with Rule 12.2, the remaining registration fee of INR 2,500 **per head** (apart from the initial INR 3,000) shall be charged. This fee is inclusive of accommodation, travel to and from the venue and the tickets to the socials event for the specified member of the team.



### **7.3. PAYMENT OF REGISTRATION FEE**

**7.3.1.** The registration fee for the Moot is to be paid online, the details of which shall be notified by the organizers in due course of time. For overseas teams, the deadline for payment of registration fee is March 30, 2020. The provisional registration fee for all Indian teams must be paid by February 26, 2020. For Indian teams that qualify for the oral rounds in accordance with Rule 11.2, the deadline for payment of registration fee is April 26, 2020.

**7.3.2.** Any transfer fees or any other incidental charges must be paid by the transferor. The wire transfer must also indicate the name of the institution for which the transfer has been made.

**7.3.3.** All teams must email a scanned copy of the payment receipt to [nlstiam@nls.ac.in](mailto:nlstiam@nls.ac.in). The payment receipt must be emailed to the organisers within 3 days of the expiry of the deadline of payment.

**7.4.** After the payment of the registration fees (initial or final), an email must be sent to [nlstiam@nls.ac.in](mailto:nlstiam@nls.ac.in), with the details of the transaction. This is mandatorily required. Once a team is registered after filling in the registration form, a team code shall be assigned to it by the administrators. This team code will serve as their unique identifier both for Memorials and at the oral rounds. Any team that fails to send the details of the payment of fees shall not be allocated a team code.

**7.5.** The administrators reserve the absolute discretion to refuse or cancel the registration of any team.

### **8. CLARIFICATIONS TO THE PROBLEM**

**8.1.** All requests for clarifications to the problem must be emailed to [nlstiam@nls.ac.in](mailto:nlstiam@nls.ac.in), latest by February 21, 2020 (11:59 P.M. IST). Request for clarifications sent to any other email ID shall **not** be considered.

**8.2.** The request for clarifications should be clear and related to the facts of the case and not related to the substantive arguments. Any one team can only submit 10 questions.

**8.3.** All clarifications issued in the form of a procedural order shall be posted on the official website of the Competition.

**8.4.** The clarifications as and when issued become a part of the Moot problem.

### **9. ANONYMITY OF TEAMS**

**9.1.** Teams must not reveal the name of their institution, or country of origin, or names of the participants, anywhere in the memoranda or in the course of the oral arguments. Teams must

also not make use of or display in any manner whatsoever any logo, pins, badges etc. in the memoranda or during the course of the oral arguments. Provided that speakers may refer to themselves and other speakers in an oral round by their respective names.

**9.2.** A team must be identified only by the team code that will be allotted to it after registration as per Rule 7.4.

**9.3.** Violation of Rule 9.1 at any point will lead to severe penalty or disqualification as determined by the administrators.

## **10. MEMORANDA**

### **10.1. GENERAL**

**10.1.1.** Each participating team must prepare one Claimant memorandum and one Respondent memorandum.

**10.1.2.** All memoranda must be in English.

**10.1.3.** The memorandum scores will contribute to deciding the outcome of a match in the preliminary rounds in a manner described in Rule 15.2.

### **10.2 RIGHTS OVER MEMORANDA**

**10.2.1.** The administrators reserve the right to publish and disseminate memoranda submitted to and for the Moot. The memoranda shall be attributed to the relevant institution and participants during such publication and dissemination. Submission of memoranda in this Moot shall constitute consent to such publication and dissemination.

**10.2.2.** The administrators also reserve the right to use the memoranda submitted for any other purpose they may deem fit while ensuring appropriate attribution.

### **10.3 SUBMISSION OF MEMORANDA**

#### **10.3.1. SUBMISSION OF SOFT COPIES**

a. All teams shall send a soft copy of memoranda for each side in both Microsoft Word and PDF formats, via electronic mail, on or before March 28, 2020 (11:59 P.M. Indian Standard Time) to [nlstiam@nls.ac.in](mailto:nlstiam@nls.ac.in) only.

b. Any submission made after March 30, 2020(11:59 P.M. IST) will be considered late submission and penalized according to Rule 11.4 of the Competition.

c. Each memorandum should be contained in a single file with the name of the file being the allocated team code followed by the first letter of the party whose arguments are presented

in that memorandum, i.e., an R for Respondent and A for Claimant. For instance, the Claimant memorandum of team code 2 should be named “2A”

### **10.3.2. SUBMISSION OF HARD COPIES**

- a. Teams are required to submit six hard copies of the Claimant and Respondent memoranda each when they arrive for the competition. The memoranda must be printed double-side on A4 size sheets, with equal margin of at least one inch on all sides.
- b. The Cover Page must be printed on blue paper for each claimant memorandum, and red paper for each Respondent memorandum. The hard copies should be spiral bound only.
- c. The hard copies must be exactly similar to the soft copy. Any changes in the hard copy vis-à-vis the soft copy will entail disqualification. The decision of the administrators will be final in this regard.

## **10.4 FORMAT OF MEMORANDA**

### **10.4.1. MEMORANDUM STRUCTURE**

Each memorandum must contain all of, and only, the following components:

- a. Cover page;
- b. Table of Contents;
- c. Table of Abbreviations;
- d. Index of Authorities;
- e. Statement of Jurisdiction;
- f. Statement of Facts;
- g. Issues Raised;
- h. Summary of Arguments;
- i. Arguments Advanced/Pleadings;
- j. Prayer.

### **10.4.2. FONT AND SPACING**

- a. The text font for the Arguments Advanced and Prayer, including that of all headings and sub-headings must be Times New Roman, size 12 with 1.5 line spacing.
- b. The text font for the footnotes must be Times New Roman, size 10 with 1.0 line spacing. There must be no additional space between two footnotes.
- c. Character spacing should not be condensed in any manner.

- d. As mentioned in Rule 9.3.2(a), each page in the memoranda must have a margin of one inch on all sides.
- e. The Margins should be set at 1” from each side.
- f. The size of the document should be A-4 measuring 8.27” by 11.69”.

#### **10.4.3. PENALTIES**

Non-compliance with the formatting requirements will be penalized with deductions from the Memorials as per Rule 11.3.

#### **10.4.4. COVER PAGE**

The Cover Page of each memorandum must contain only the following information:

- a. The team registration code in the upper right-hand corner, followed by an “A” for the Claimant Memorial, or an “R” for the Respondent memorandum. For example, Team 555 would put the code “555A” in the upper right-hand corner of its Claimant memorandum;
- b. The name of the forum before which the proceedings are being conducted;
- c. The year of the Competition;
- d. The name of the case;
- e. The title of the memorandum (either “Memorandum for Claimant” or “Memorandum for Respondent”).

#### **10.4.5. TABLE OF ABBREVIATIONS**

All abbreviations used in the memorandum must be included in the Table of Abbreviations. This will include commonly used abbreviations, acronyms and marks such as “%”, “&”, UK, SIAC, etc. The Table of Abbreviations must be in an alphabetical order.

#### **10.4.6. INDEX OF AUTHORITIES**

The Index of Authorities must list all the authorities cited in the memorandum. The Index must indicate the page number(s) and/or the paragraph number(s) of the memorandum in which the authority is cited. The use of “passim” in place of specific page and/or paragraph number(s) is not sufficient. The Index of Authorities must be in an alphabetical order.



#### **10.4.7. STATEMENT OF FACTS**

The Statement of Facts must contain a concise statement of the relevant facts of the dispute. As far as may be, the Statement of Facts should be limited to the stipulated facts and legitimate inferences which can be drawn from those facts.

#### **10.4.8. ISSUES RAISED**

- a. In this section, teams should present the legal questions the Court is being called upon to decide in the context of the case. They must be presented as neutral questions, i.e. teams should not state their position on the questions raised in this section.
- b. While each legal question might have further sub-questions, teams must state only the main legal questions in this section.

#### **10.4.9. ARGUMENTS ADVANCED & PRAYER**

Substantive, affirmative legal argument or legal interpretation of the facts of the Case may only be presented in the ‘Arguments Advanced’ section of the Memorial. The Arguments Advanced and Prayer shall not exceed 25 pages.

#### **10.4.10. FOOTNOTES AND CITATIONS**

- a. It is not permitted to provide any information in the footnotes that is not related to the identification of an authority or source. Footnotes may not include additional legal arguments.
- b. A consistent format of citations must be followed.
- c. It is hereby clarified that teams are not allowed to cite authorities in-line.
- d. Endnotes are not permitted.

### **11. JUDGING OF MEMORANDA**

#### **11.1 GENERAL**

11.1.1 Each memorandum shall be assessed individually and independently by two (2) judges.

11.1.2 Every memorandum will be marked on a maximum of one hundred (100) marks by each judge on the basis of criteria mentioned in Rule 11.2. Negative marks will be awarded in the manner detailed in Rule 11.3. Therefore, in a match between Team 2 (Claimant) v. Team 10 (Respondent), Team 2’s Claimant memorandum will be marked by two judges and can

score up to a maximum of 200 marks. The same is applicable for team 10's Respondent memorandum.

11.1.3 A team's total memorandum score shall be the sum of marks awarded for the Claimant memorandum and marks awarded for the Respondent memorandum.

**11.2 SUBSTANTIVE SCORING**

Each judge can award a maximum of one hundred (100) marks and the memoranda will be judged on the following criteria:

- a. Recognition of issues: complete and correct recognition and weighing of issues.....10
- b. Correct primary and alternative submissions.....10
- c. Identification of legal principles.....20
- d. Quality and extent of research: Use of relevant case law, academic writings etc.....20
- e. Appreciation and application of facts.....10
- f. Logical structure and clarity of thought.....10
- g. Ingenuity.....10
- h. Overall Impression:- Formatting, citations etc.....10

**11.3 MEMORANDUM PENALTIES (OBJECTIVE DEDUCTIONS)**

Non-compliance with rules concerning formatting and submission of memoranda provided in these Rules will result in a deduction from the allocated marks. Irrespective of the actual total penalties incurred, no more than 15 marks can be deducted for each memorandum for non-compliance with procedural requirements. Penalties for late submission of memoranda shall be applicable separately as per Rule 11.4.

**11.4 PENALTIES FOR OBJECTIVE DEDUCTIONS**

<b><u>RULE</u></b>	<b><u>VIOLATION</u></b>	<b><u>PENALTY</u></b>
9.1	Breach of memorandum anonymity	Disqualification from the Moot
10.4.1	Missing or additional section	2 marks for every violation
10.4.1	Incorrect order of sections	2 marks (one-time deduction)
10.4.2	Incorrect font size in the main body of the memorandum	1 mark for every page on which there is a violation
10.4.2	Incorrect line spacing in the main body of the memorandum	1 mark for every page on which there is a violation
10.4.2	Incorrect font style in the main body of the memorandum	1 mark for every page on which there is a violation
10.4.2(e) & (f)	Incorrect page size and/or page margin in the main body of the memorandum	1 mark for every page on which there is a violation
10.4.4	Missing or unnecessary information on cover page	1 mark per piece of information
10.4.9	Substantive legal arguments outside the arguments advanced section	2 marks for every page on which there is a violation
10.4.9	Exceeding the page limit of the arguments advanced section	3 marks for every page that is in excess of the prescribed page limit
10.4.10 (a)	Extra information in footnotes	1 mark for each violation (1 mark will be deducted for every footnote that has extra information)
10.4.10 (d)	Use of endnotes	3 marks

For every hour of delay in memorandum submission from the prescribed time of submission, one mark shall be deducted. Any memorandum submitted 12 hours after the time prescribed above will not be accepted and the team will not be allowed to participate except at the discretion of the administrators. The decision of the administrators shall be final in this regard.

Note: The above deduction would apply even if the delay were not of a complete hour. Hence, for example, a Memorandum submitted at 12:01 am would still be subject to a 1mark deduction.

## **12. QUALIFICATION FOR ORAL ROUNDS**

**12.1.** All overseas teams automatically qualify for the oral rounds on submission of memoranda for both sides.

**12.2.** A total of twenty (20) Indian teams will qualify for the oral rounds. In the event that the number of Indian teams submitting memoranda is more than twenty, the twenty teams with the highest memorandum scores will qualify for the oral rounds of the Competition. The Memorandum scores used for this purpose will be exclusive of the memorandum penalties (objective deductions) laid down in Rule 11.3 but would include the penalties for late submission provided in Rule 11.4.

## **13. ORAL ROUNDS**

### **13.1 GENERAL**

**13.1.1.** The Oral pleadings shall be in English only. There will be no deviation from this language requirement.

**13.1.2.** During the oral round, the teams are not allowed to use any electronic device such as laptops, mobile phones, video camera etc.

**13.1.3.** Teams are **not** restricted to the arguments in their written memoranda. Claimants and Respondents in their first preliminary round should expect to rely on the arguments given in their written memoranda or to be prepared to justify why that position has been abandoned. In subsequent hearings, arbitrators may be less demanding on this issue as it is expected that teams will improve their arguments during the Moot.

**13.1.4.** In the oral rounds, each team shall have thirty (30 minutes) to present their arguments, including time for answering questions from the adjudicators and rebuttals and sur rebuttals. The time allocation of a team shall be decided in accordance with Rule 12.3.



**13.1.5.** Before the start of the oral round of any team, the team shall inform the timekeeper of the names of the two members who will be presenting oral arguments in that round. The team shall also inform the timekeeper regarding the allocation of time between themselves and the time reserved for rebuttal/sur-rebuttal, in accordance with Rule 12.3. Once so informed, these timings shall not be changed.

### **13.2 ORDER OF PRESENTATION**

Prior to the beginning of a particular oral round, the two teams participating in that round shall discuss amongst each other and reach a consensus on the order of presentation of oral arguments to be followed in that round.

At the beginning of the round, the teams shall inform the arbitral tribunal regarding the order of presentation that they have mutually agreed upon. Notwithstanding the agreement that the teams may have reached, the final authority to decide the order of presentation rests with the arbitral tribunal.

*Explanation:* Some panels of arbitrators may ask one team to present its argument on all of the issues before the other team is permitted to present its argument. Other panels of arbitrators may ask both teams to argue one issue first (including rebuttal and sur-rebuttal for that issue) before they both argue in respect of a second issue. Normally the party who has raised the issue will argue first. Therefore, normally the Claimant would argue first, if it is to present its arguments on all of the issues before the Respondent is permitted to argue. However, if the Respondent has raised an objection to the jurisdiction of the arbitral tribunal or other such defense, the tribunal would normally ask it to present its arguments on that issue before the Claimant responds to it.

### **13.3 TIME ALLOCATION**

**13.3.1.** Before the start of the oral round, the team must inform the timekeeper of the manner in which the team wishes to divide its total time between its (i) first speaker, (ii) second speaker, and (iii) the rebuttal (for Claimant) or sur-rebuttal (for Respondent).

**13.3.2.** For the **oral rounds**, each team may distribute its allocated thirty (30) as it deems fit, provided that:

- i. No speaker is allocated less than ten (10) minutes for presentation of main arguments.
- ii. No more than four (4) minutes are reserved for its rebuttal/sur- rebuttal

For instance, an acceptable allocation may be 14 minutes for each speaker's main arguments and 2 minutes for rebuttal/ sur rebuttal.

**13.3.3.** The arbitral tribunal, at their discretion, may extend the time limits stated as long as neither team is allowed more than forty-five (45) minutes to present its arguments, including the time necessary to answer the questions of the tribunal. While exercising its discretion, it will be the responsibility of the arbitral tribunal to ensure that both teams are treated fairly.

#### **13.4 REBUTTAL AND SUR-REBUTTAL**

**13.4.1.** The rebuttal/sur-rebuttal may be presented by only one speaker of a team for all the issues or by both speakers individually for the issues that they are presenting.

**13.4.2.** The Respondent team may use the time set aside for sur-rebuttal only if the Claimant team exercises its right to rebuttal.

**13.4.3.** If a team fails to reserve time for a rebuttal or sur-rebuttal at the start of an oral round it may not then request that such time be added during the course of the round.

**13.4.4.** The Claimant's rebuttal must be limited to responding to the Respondent's oral pleadings; whereas the Respondent's sur-rebuttal is limited to responding to the Claimant's rebuttal.

#### **13.5 COMMUNICATION DURING ORAL ROUNDS**

##### **13.5.1. ORAL**

- a. During the oral round, oral communication is limited to the arbitral tribunal and the speaker presenting the arguments.
- b. During the oral round, only the two speakers for that round will be present at the counsel's table. Any other member of the team shall not be present at the counsel table and shall not aid the speakers or communicate with them in any manner.
- c. Communication between the two speakers at the counsel's table, if required, shall be in writing, and teams shall avoid any inappropriate behavior which disturbs the presentation of oral arguments.

##### **13.5.2. WRITTEN**

- a. A compendium containing a compilation of cases and other relevant materials in support of the oral pleadings may be submitted to the arbitral tribunal. However, the final discretion to accept or reject any such compendium rests with the arbitral tribunal.

Provided that, if the tribunal accepts the submission of the compendium, one copy of the compendium shall also be submitted to the opposing team in the oral round. A team that fails to provide a copy of the compendium to the opposing team will not be allowed to reply on the compendium.

- b. Such compendium and the other research material must not contain any identifying mark/seal of the team, its members or of the institution being represented by the team. Any material with an identification mark shall not be allowed inside the venue of the oral rounds.

### **13.6 OBSERVING ORAL ROUNDS**

#### **13.6.1. PARTICIPANTS**

- a. Team members, or individuals directly affiliated with a team, may observe only those preliminary rounds in which their team is competing. Any form of scouting is strictly prohibited and shall entail disqualification of the team. The decision of the administrators shall be final in this regard.
- b. For teams which have moved on to the advanced rounds of the competition, team members, or individuals directly affiliated with a team, may observe only those advanced rounds in which their team is competing.
- c. Teams, and individuals directly affiliated with teams, which have not qualified for the advanced rounds may observe any of the advanced rounds.
- d. Once a team in the advanced rounds has been knocked out of the Competition, team members and individuals directly affiliated with the team, may observe any of the remaining advanced rounds.

#### **13.6.2. NON-PARTICIPANTS**

Any non-participant is allowed to observe any of preliminary or advanced rounds. Provided that the administrators reserve the right to bar a non-participating observer from attending a particular oral round if, in the opinion of the administrators, the observer is disturbing the speakers in an oral round in any manner whatsoever.

### **13.7 DETERMINING SIDES IN ADVANCED ROUNDS**

**13.7.1.** If the two teams in any of the advanced rounds, including the final round, argued against one another in the preliminary rounds, they will argue for the opposite party in the advanced round. If they did not argue against one another in the preliminary rounds, in the first advanced round

the determination as to which team will be Claimant and which will be Respondent will be by a coin toss. In the following rounds, when one of the two teams in the preceding round was Claimant and the other was Respondent, they will argue for the opposite party for which they argued in that preceding round. If both teams argued for the Claimant or both argued for the Respondent in the preceding round, the decision as to which team will be Claimant and which will be Respondent will be determined by a coin toss.

**13.7.2.** In cases of a coin toss, the team that was ranked higher in the preliminary rounds shall call the toss.

## **14. JUDGING OF ORAL ROUNDS**

**14.1.** Each preliminary round shall be judged by two (2) judges and each advanced round shall be judged by three (3) judges.

**14.2.** Each oral pleadings will be marked on a maximum of one hundred (100) points by each of the judges.

**14.3.** The oral pleading shall be judged on the following criteria:

- a. Recognition of issues: complete and correct recognition and weighing of issues.....10
- b. Identification of legal principles.....15
- c. Use of authorities.....15
- d. Appreciation and application of facts.....15
- e. Clarity, logic and structure of presentation.....10
- f. Response to questions.....15
- g. Ability to communicate with judges.....10
- h. Overall presentation, poise and demeanor.....10

## **15. COMPETITION FORMAT AND PROCEDURE**

### **15.1 GENERAL**

**15.1.1.** The Competition shall consist of preliminary rounds and advanced rounds. Each team shall argue in four (4) Preliminary Rounds: twice as Claimant and twice as Respondent. The Advanced Rounds shall, unless otherwise specified, consist of three knock-out rounds – the Quarter Finals, Semi-Finals and the Final.

**15.1.2.** The scoring and tabulation for the competition shall be based on a Round Points (“RP”) system. Each preliminary round will be decided on a scale of 9 round points, with 6 round points allocated to the oral round scores, and 3 round points allocated to the memorandum scores.



## 15.2 PRELIMINARY ROUNDS

**15.2.1.** As per Rule 11.1, the memoranda of each team will be marked by 2 judges with each judge giving a score out of one hundred (100). Therefore, each team's memoranda will have 2 scores: score given by memorandum judge 1 and score given by memorandum judge 2.

**15.2.2.** In each preliminary round match up, the score given by memorandum judge 1 to the Claimant memorandum in that match will be compared with the score given by memorandum judge 1 to the Respondent Memorandum in that match. Similarly, scores given by memorandum judge 2 to the Claimant memorandum in that match will be compared with the scores given by judge 2 to the Respondent memorandum in that match.

**15.2.3.** If the team whose memorandum has a higher score out of 100 on a particular judge's score is ahead of the other team by a margin of seven (7) per cent or more, that team will be awarded 1.5 round points for that judge and the team which has lost on that judge's score-sheet will be given 0 round points for that judge. If the margin of victory on a particular judge's score-sheet is less than seven (7) per cent, the winning team will be awarded 1 round points for that judge and the losing team will be awarded 0.5 round points for that judge. In case of a tie between the two teams, each team shall be awarded 0.75 round points for the concerned judge. Thus, in all, 3 round points will be allotted to the memoranda in each round.

**15.2.4.** As per Rule 13, each preliminary round matchup will be judged by two (2) orals judges, each of whom shall mark every speaker on a score of 0-100. The team with the higher total marks on a particular judge's score-sheet will be the winner on that judge's score-sheet.

If the winner on a particular judge's score-sheet is ahead of the other team by a margin of seven (7) per cent or more, that team will be awarded 3 round points for that judge and the team which has lost on that judge's score-sheet will be given 0 Round Points for that judge. If the margin of victory on a particular judge's score-sheet is less than seven (7) per cent, the winning team will be awarded 2 round points for that judge and the losing team will be awarded 1 round point for that judge. In case of a tie between the two teams, each team shall be awarded 1.5 round points for the concerned judge. Thus, every preliminary round will have 6 round points allotted to the orals.

**15.2.5.** As a result, there are 9 Round Points to be won in each match up and the team with the higher number of Round Points wins the match.

### 15.3 QUALIFICATION FOR ADVANCED ROUNDS

The top 8 teams in the preliminary rounds shall qualify for the quarter finals. The teams shall be ranked according to the following criteria:

- a. First, the team with the higher number of total round points after the four preliminary rounds shall be ranked higher;
- b. Secondly, if there is a tie in the total round points, the team with the higher number of wins in the preliminary rounds will be ranked higher;
- c. Thirdly, for teams that have the same total round points and wins in the preliminary rounds, the team with the higher aggregate absolute speaker scores shall be ranked higher;
- d. Lastly, if two teams have the same total round points, same wins and the same aggregate absolute speaker scores in the preliminary rounds, then the team with the higher memorandum scores shall be ranked higher.

### 15.4 ADVANCED ROUNDS

#### 15.4.1. QUARTER FINAL ROUNDS

- a. The matchups of the quarter final rounds will be based on the ranking in the preliminary rounds and shall be as follows:
  - i. Quarter Final 1: Rank 1 v. Rank 8
  - ii. Quarter Final 2: Rank 2 v. Rank 7
  - iii. Quarter Final 3: Rank 3 v. Rank 6
  - iv. Quarter Final 4: Rank 4 v. Rank 5
- b. The side which a team will be arguing in the quarter final round shall be determined in accordance with Rule 13.7.
- c. The teams will be provided with a hard copy of the teams that they are facing prior to the beginning of the round. They are required to return the same at the end of the round.
- d. Each quarter final round will be judged by three (3) orals judges, each of whom shall award a maximum of 3 round points. The team with the higher total marks on a particular judge's score-sheet will be the winner on that judge's score-sheet. The winning team on a particular judge's score sheet shall be awarded 3 round points for that judge. In case of a tie between the two teams, each team shall be awarded 1.5 round

points for the concerned judge. Thus, every quarter round will have 9 round points allotted to the orals. Memorandum scores will not be accounted for in advanced rounds.

- e. The team that scores the higher round points shall proceed to the semi-final rounds.

#### **15.4.2. SEMI FINAL ROUND**

- a. The matchups in the semi-final rounds shall be as follows:
  - i. Winner of Quarter Final 1 v. Winner of Quarter Final 4
  - ii. Winner of Quarter Final 2 v. Winner of Quarter Final 3
- b. Rule 15.3.2 (b) to 15.3.2 (d) shall apply *mutatis mutandis* to the semi-final rounds.

#### **15.4.3. FINAL ROUND**

- a. The GRAND FINAL of NLS TIAM 2020 will be held on May 24, 2020.
- b. The side which a team will be arguing in the final round shall be determined in accordance with Rule 13.7.

### **16. PRIZES AND AWARDS**

**16.1.** The winner of the Final Round will be declared the “Winning Team”, while the losing finalists will be declared the “Runners-Up”.

**16.2.** The Teams with the highest total memorandum score (out of 200) for each side will be awarded the “Best Memorandum – Claimant” and “Best Memorial– Respondent” awards respectively.

**16.3.** The speaker with the highest average score at the conclusion of the preliminary rounds will be adjudged the “Best Speaker”. The average score will be calculated by dividing the total marks of each speaker by the number of times the speaker has presented oral arguments. To be eligible for the “Best Speaker Award”, a speaker must have argued at least once for the Claimant and once for the Respondent in the preliminary rounds.