Oral Hearings

General Rounds (Virtual)

31st January & 1st Feb AND

7th & 8th February 2026

Elimination Rounds (In-Person)

At BICAM (Malaysia)

10th - 13th March 2026

I. Introduction

1. Goals. The Willem C. Vis International Commercial Arbitration Moot (the "Moot") is intended to stimulate the study of international commercial law, especially the legal texts prepared by the United Nations Commission on International Trade Law (UNCITRAL), and the use of international commercial arbitration to resolve international commercial disputes. The international nature of the Moot is intended to lead participants to interpret the texts of international commercial law in the light of different legal systems and to develop an expertise in advocating a position before an arbitral panel composed of arbitrators from different legal systems. The APAC Vis Pre-Moot is the training ground for participation in this esteemed competition.

2. The Moot and Pre-Moot are designed to be educational programs with many facets in the form of competitions. They are not intended to be competitions with incidental educational benefits. The Rules, therefore, should be interpreted with this in mind.

II. Organisation of the APAC Vis Pre-Moot

3. **Organisers**. The APAC Vis Pre-Moot 2026 (the "Pre-Moot") is organised by the Asia Pacific Vis Pre Moot Organisng Committee ("APVPM"), hereinafter referred to collectively as the "Organisers".

4. **The Chairpersons of the Pre-Moot are**:

- Ms. Alix Povey; and
- Ms Mahak Rathee

5. **Venue**. The oral hearings for the General Rounds will be held virtually through a videoconference platform. The General Rounds will take place on 31st January & 1st February AND 7th February & 8th February 2026. The oral hearings for the Elimination Rounds will take place from Tuesday, 10th March 2026, to Friday 13th March 2026 culminating in the Final Round on the last day. All Elimination Rounds, including the Final Round, will be held in-person at Borneo International Centre for Arbitration & Mediation.

6. **Language**. The Pre-Moot will be conducted in English.

II. PRIVACY AND DATA PROTECTION

7. The Pre-Moot is an educational event, and it is necessary that personal data be collected for the operation of the Pre-Moot. By joining the Pre-Moot, Arbitrators, Team members and Coaches agree to disclose their personal information specified in the registration form to the Organising Committee. The Organisers and the Organising Committee will not disclose any personal data to third parties unless it is necessary for the conduct of the Pre-Moot and subject to your specific permission having been obtained. If you have concerns or queries about the way your data is being used, please contact the Organising Committee.

8. The Organising Committee shall comply with the laws governing personal data protection in Hong Kong ie Cap. 486, The Personal Data (Privacy) Ordinance

III. RULES

9. These are the rules of the Pre-Moot (these "Rules") which shall be final and binding during the course of the Pre-Moot.

IV. Definition

10. In these Rules, unless there is anything repugnant in the subject or context:

"Arbitrator" refers to individuals duly invited by the Organising Committee to judge any of the Oral Hearings;

"Moot" refers to the Willem C. Vis International Commercial Arbitration Moot;

"Pre-Moot" refers to the APAC Vis Pre-Moot;

"Tribunal" refers to a panel of Arbitrators duly assigned by the Organising Committee to judge any of the Oral Hearings;

V. Registration

11. Registration for the Pre-Moot is a three-step process consisting of completion and submission of the registration form, and acceptance by the Organising Committee and payment of the registration fee (US$100). Although registrations will be accepted until the deadline on Saturday, 20th December

2025 (23:30, UTC +8:00), completion of the registration form prior to the deadline is strongly encouraged.

While the Pre-Moot is envisaged to be a "training ground" for the Vis Moot and/or Vis East Moot it is not a pre-requisite for teams to be participating in the Vis Moot and/or Vis East Moot to be able to take part in the Pre-Moot.

12. Receipt of the registration form will be acknowledged via email to the Team's contact person(s) specified in the registration form.

13. Registration form. The registration form includes space for the name and address of the contact person. All communications concerning the Pre-Moot will be sent by email to the nominated contact person. It is that person's responsibility to distribute all relevant material to his/her/their Team. There is the opportunity to include a second email address for contact purposes. Teams are responsible for ensuring that the contact person information is kept up to date.

The nominated contact person is also confirming in completing the registration form that they have the authority of the university or other higher educational institution to register a team on behalf of the university or institution.

14. **Registration fee**. This year's Pre-Moot will have a registration fee of US$100 per team. This can be paid by either bank transfer or PayPal. Once the team's registration form is received the team will receive a payment request from the Organisers and instructions on how to make the payment. The registration fee is non-refundable. The fee is to cover general running expenses of the competition as well as to cover expenses directly related to the educational aspect of the competition, especially with regard to aspects of diversity and inclusion whereby a team may need any extra help to participate.

15. **Refusal or Cancellation of Registration**. The Organising Committee reserves the right to refuse or cancel the registration of any team, and such refusal or cancellation is in the absolute discretion of the Organising Committee. When exercising their discretion, the Organising Committee will have regard to, but are not limited to, the past conduct of teams from that institution (for example any unjustified last-minute cancellations, or any violations of any rules of the competition).

16. Communications between the Team and the Organising Committee other than through the Team's contact person are at the risk of the Team unless the Organising Committee decides to use other methods of communication, which will be clearly communicated to the Teams.

VI. The Problem

17. **Subject Matter.** The Problem of the Pre-Moot is the Problem of the Moot which involves a controversy arising out of an international sale of goods subject to the United Nations Convention on Contracts for the International Sale of Goods (CISG).

18. **Dispute Settlement**. The Procedural Order as attached in the Problem of the Moot and further or other additional Procedural Orders from the Moot will be the Procedural Order for the Pre-Moot. In the Pre-Moot, the controversy is before a Tribunal pursuant to the Singapore International Arbitration Center ("SIAC Rules").

19. **Release of the Problem**. The Problem will be shared as soon as it is released by the Moot on Friday, 10th October 2025, on the Pre-Moot's website. (www.apacvispremoot.com/)

20. **Facts**. The facts in the dispute that is the subject matter of the Pre-Moot are given in the Problem. Facts alleged in the statement of claim and statement of defence including the exhibits to those statements, as well as in the clarifications, are taken to be correct unless there is a contradiction between them. No additional facts may be introduced into the Pre-Moot unless they are a logical and necessary extension of the given facts or are publicly available true facts.

21. Statements of fact alleged by a team that do not qualify as the fact of the Moot are not true. Therefore, basing an argument on any such alleged facts will be considered to be in breach of the rules of the Pre-Moot and to be professionally unethical. Arbitrators will enforce this rule strictly in the oral arguments and will evaluate the team's efforts accordingly.

22. **Clarifications**. Any Clarifications to the Problem of the Moot are applicable in this Pre-Moot.

VII. Teams

23. **Composition.** Teams may come either from a law school or from another higher educational institution that includes law as part of its programme of study. Each participating law school or institution shall ordinarily be represented by one (1) team. However, where a university is sending separate teams for the Vis Vienna and the Vis East Moot, both teams may register. Please indicate this is the case at the time of registration. A Team must be composed of two or more students registered at the institution. Students may be registered either for a first degree or for an advanced degree (including PhDs) and need not be from

the country in which the institution is located. There is no maximum limit on the number of students who may be members of the Team.

24. Participation of differently-abled person(s) is encouraged and actively supported. If any team member wishes to be a part of a Team and needs assistance which is not already available, they may contact the Organising Committee who will provide the necessary support where practicable. All materials published will be either in a format that is accessible for all or will be modified accordingly if the Team so requests it.

25. No student who has been licensed to practice law is eligible to participate in the Pre-Moot. Students at bar preparation institutions who are simultaneously working in a law office must request a determination as to their eligibility to participate in the Pre-Moot. Eligibility to participate in the Pre-Moot is determined on or before the deadline of registration, Saturday, 20th December 2025 (23:30, UTC +8:00).

26. Teams may include former participants of the Moot. An individual student who has participated as an Oralist in an argument in any elimination round hearing in a previous Vis Moot, whether in Vienna or Hong Kong, cannot be an Oralist in this Pre-Moot; although they can be a member of the Team. For the avoidance doubts elimination round hearings are the rounds of 32, 16 etc. Participation in any round of a Virtual Vis Moot or Vis East Moot does not exclude participation in any round of this Pre-Moot. If a Team qualifies for a Round of 32 or later and is not able to participate, this must be communicated within one week of the announcement of the qualifying rounds. If a Team does not communicate this within the time frame and does not attend, they will be excluded from participating in future Pre-Moots. The teams selected for the rounds of 32 will have to join the elimination rounds in person at Borneo International Center for Arbitration and Mediation. There will be a wait list of teams who did not qualify for the rounds of 32 and in the case that any team who has qualified for the round of 32 is unable to attend the elimination rounds,

then the team next on the wait list will be given an opportunity to join the elimination rounds.

27. List of Team members. The list of Team members must be finalised on or before the close of registration. The names are to be submitted as directed. Members of the Team may be dropped but not added without specific permission from the Organising Committee.

28. Certificates of participation. 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 spelt and presented correctly.

29. In each of the oral hearings two members of the Team will present the argument. Other members of the Team may not aid them during the argument in any way. Different members of the Team may participate in the different hearings. Therefore, between two and eight members may participate in the oral hearings. However, to be eligible for the Award for best individual oralist, a participant must have argued at least once for the claimant and once for the respondent. The average score per argument will be calculated and the award will be determined on that basis.

VIII. ORAL HEARINGS

30. **Venue**. The oral hearings for General Rounds will be conducted through videoconference and the oral hearings for the Elimination Rounds and the Final Round will be held physically at Borneo International Center for Arbitration & Mediation, Kota Kinabalu, Sabah, Malaysia.

31. **General Rounds**. Each team will argue four times in the general rounds, twice as claimant and twice as respondent.

32. The general rounds will be scheduled so that, in principle, each team will argue once per day. 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. The published times of all oral hearings will be UTC +8:00, Hong Kong time.

33. **Duration of Oral Presentation.** The oral presentation of each Team is, in principle, thirty (30) minutes. The Team should allocate equitably the time available to the two oralists. However, the 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.

34. **Questions by Arbitrators**. The Arbitrators are requested to act during the oral hearings the way they would in a real arbitration taking into account that this is an educational exercise. There are significant differences in style dependent both on individual personalities and on perceptions of the role of an arbitrator (or judge) in oral argument.

35. **Order of presentation**. Some arbitral tribunals will 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 will ask both teams to argue one issue first 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 panel would normally ask it to present its arguments on that issue before the claimant responds to it.

36. The Tribunal will decide whether rebuttal arguments will be permitted. Whether or not rebuttal will be allowed can be expected to change from one argument to the next.

37. **Exhibits**. No exhibits may be used during the oral arguments that do not come directly from the Problem. Exhibits that are designed to clarify time sequences or other such matters may be used, but only if the Arbitrators and the opposing Team are in agreement. Where a Team believes the opposing team is using an exhibit not complying with the previous sentence, it must raise an objection to the Tribunal. The Tribunal is empowered to determine whether the exhibit complies with the requirements of this paragraph. Objections must be raised during the course of the actual hearing, thereafter a Team cannot raise any such objections. For technical reasons the exhibits may not consist of overhead or Power Point projections or require the use of a stand.

38. **Scoring**. Each Arbitrator will score each of the Oralists on a scale of 50 to 100. The scores of the two Oralists will be added to constitute the team score for that argument. Therefore, each Team could score a maximum of 200 points per Arbitrator per argument, or a theoretical maximum of 2,400 points for the four arguments. Arbitrators will score the oral arguments without knowledge of the results of earlier arguments.

The individual score given to an Oralist by an Arbitrator is entirely within the discretion of that Arbitrator. There is no requirement that the Tribunal agree on scores. However, the Tribunal may, and are strongly encouraged to, discuss scoring at the end of a hearing and prior to submitting the scores to the Organising Committee.

As part of the Organising Committee's measures to ensure consistency of scoring, any significant differences in the score of any individual member of the Tribunal, this will be drawn to the attention of that Arbitrator and the Presiding Arbitrator. The Presiding Arbitrator will be asked to advise whether the Tribunal conferred with each other as referred to in the paragraph above. The Arbitrator whose score varies significantly will be invited to confirm or amend the score given. The score will always remain at the discretion of the individual Arbitrator. A significant difference is defined as a variance of 15 points.

Appendix 1 to these Rules sets out key elements of the Arbitrator guidance that will be provided to arbitrators at the oral hearings.

39. **First Elimination Round.** The elimination rounds, are currently envisaged to start from the round of 32 teams, however this may be adjusted as needed once the registration of teams is completed. Until further notice the elimination rounds will be held as follows: After the General Rounds, the scores of each Team for its oral presentation in the four arguments will be totalled. The thirty-two Teams that have obtained the highest composite scores will meet in the First Elimination Round. If there is a tie for 32nd place, the decision as to which Team will enter the Elimination Rounds will be determined by lot. The Teams will be paired so that the first and thirty-second, second and thirty- first, etc. will argue against one another. Ranking of a Team in the General Rounds will not be divulged until after the close of the Pre-Moot and then only to the Team concerned.

40. **Second Elimination Round.** The winners of the First Elimination Round will meet in the Round of 16.

41. **Quarter-Final Round.** The eight winners of the Second Elimination Round will meet in the Quarter-Final Round.

42. **Semi-Final Round.** The four winners of the Quarter-Final Round will meet in the Semi-Final Round.

43. **Final Round.** The two winners of the Semi-Final Round will meet in the Final Round.

45. Determination as to which Team is claimant and which is respondent. If the two Teams in any of the Elimination Rounds, including the Final Round, argued against one another in the General Rounds, they will argue for the opposite party in the Elimination Round. If they did not argue against one another in the General Rounds, in the First Elimination Round the determination as to which Team will be claimant and which will be respondent will be determined by lot. In the following Elimination 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 lot.

46. **Winning Team.** The winning Team of the oral phase of the Pre-Moot is the Team that wins the Final Round

IX. ASSISTANCE

47. **Oral Hearings**. There is no restriction on the amount of coaching that a Team may receive in preparation for the oral hearings. It is expected and encouraged that Teams will have practice arguments, whether against other members of the Team or against other Teams that will participate in the Pre-Moot. The only restriction is upon knowledge of the pairings of the Teams that no Team should have a practice argument against a Team it is scheduled to meet in the Pre-Moot, or attend any arguments of these Teams prior to the General Rounds. If a Team finds they are being **paired in the General Rounds against a Team they will see in the Moot in Vienna or Hong Kong,** they **must** tell the Organising Committee immediately so they do not fall foul of the **Moot's scouting rules**.

48. In each oral hearing two members of the Team will present the argument. No communication with other members of the Team who may be present at the hearing is permitted in any shape or form. If there is communication during the round with other team members this could lead to disqualification.

49. One purpose of the Pre-Moot is to develop the art of advocacy in international commercial arbitration proceedings. Observance of the performance of other participants is one way to develop that art. Therefore, attendance of Team members at the arguments of other Teams is permitted, except that no Team, or friends or relatives of members of a Team, is permitted to attend arguments of other Teams against which it is scheduled to argue at a later time in the General Rounds. Violation of this rule will disqualify a Team from participation in the Elimination Rounds. This rule will be applied even if attendance at an argument was inadvertent.

50. Recording of arguments. Recording of arguments in the preliminary rounds is not permitted. Recording of arguments is a the discretion of the

Organising Committee and their permission must be sought prior to the commencement of the round.

X. AWARDS

51. The awards given in the Moot are:

a) **Best Individual Oralist.**

This award for the general rounds will be won by the individual advocate with the highest average score during these rounds. To be eligible for this award a participant must have argued at least once for the claimant and once for the respondent.)

b) **Best Team in the Oral Rounds.**

(This award will be made to the winning team in the final round of the oral hearings.)

c) **Spirit of the Pre-Moot.**

(This award will be determined by the Organising Committee upon suggestions from teams and arbitrators, based on the Teams' diversity and inclusivity recognition.)

52. Certificates will be prepared for all members of Teams that win an award or honourable mention in one of the three Team categories as well as for those who receive an award or honourable mention for the best Oralists. 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 spelt and presented correctly. The achievement certificates and participation certificates will be sent by email up to two months after the close of the Pre-Moot.

XI. INTERPRETATION OF THE RULES

53. Requests. For interpretation of these rules, requests may be addressed to the Chairpersons. All interpretations, as well as any waivers, consents, or other decisions are at the discretion of the Chairpersons in their conduct of the Pre-Moot.

XII. CONTACT DETAILS

54. All communications in regarding the Pre-Moot should be sent by email to the Organising Committee at asiapacificprevismootcourt@gmail.com

APPENDIX 1

Arriving at a Score in the Oral Hearings

Each Arbitrator is expected to make an individual decision as to the score to be awarded. Naturally, the scores may differ between the Arbitrators depending on their individual preferences. Nevertheless, a widely divergent score, whether higher or lower than the others, raises questions as to the

criteria used by the Arbitrator in question. As such Arbitrators are encouraged to confer with a view to having scores that are within the same band as follows: -

50 – 59 = needed improvement;
0 – 74 = good;
75 – 90 = very good;
91 – 100 = excellent; or otherwise generally within 15 marks.

Criteria to be regarded in the evaluation of the oralists are:

1) Organisation and Preparation

- Does Counsel introduce himself or herself and co-counsel, state whom he or she is representing, introduce the issues and relevant facts clearly, have a strong opening, present the arguments in an effective sequence, and present a persuasive and generalised conclusion?
- Is Counsel clearly prepared and familiar with the authorities on which his or her arguments rely? If rebuttal is used, is it used effectively?

2) Knowledge of the facts and the law

- Does Counsel know the facts and the relevant law thoroughly?
- Is Counsel able to relate the facts to the law so as to make a strong case for his or her client?
- Does Counsel present arguments which are legally tenable?

3) Presentation

- Is Counsel's presentation appropriately paced, free of mannerisms and loud enough?

- Does Counsel use inflection to avoid monotone delivery, make eye contact with the Arbitrators and balance due deference with a forceful and professional argument?
- Is Counsel poised and tactful under pressure?
- Most importantly, is Counsel's presentation convincing and persuasive, regardless of the merits of the case?

4) Handling Questions

- Does Counsel answer questions directly and use the opportunity to turn the question to his or her client's advantage?