

# FAQ

## Frequently Asked Questions about the ICC International Commercial Mediation Competition

***This document provides information to participants based on questions that were frequently asked during previous Competitions. In case of doubt, please refer to the 2013 Competition Rules, which is the only binding document and takes precedence should there be any inconsistency between it and this FAQ.***

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## I. Overview

### 1. What is the Mediation Week?

The Mediation Week sets a program for two major events dedicated to mediation hosted by the International Chamber of Commerce (“ICC”), the ICC International Mediation Conference (“Conference”) and the ICC International Commercial Mediation Competition (“Competition”).

On 7 February 2013, the Mediation Week opens with the 4th International Mediation Conference. This annual conference is designed specifically for in-house counsels and members of senior corporate management. Each year, representatives of some of the world’s most sophisticated ADR users discuss mediation and conflict management related topics from their corporate point of view.

For participants of the Competition, there are places with special registration fees available for the Conference. Please note that these places are limited and must be reserved in advance.

The Competition starts the day after the Conference and concludes the Mediation Week with its Final on 13 February 2013.

### 2. What is the Competition?

The Competition is an annual mediation moot organized by the ICC. It is the World’s only international moot dedicated exclusively to international commercial mediation and gathers Teams from business and law schools, as well as internationally renowned mediators and professionals from around the world.

The 8th Competition will take place from Friday, 8 February 2013 until Wednesday, 13 February 2013.

The entire event lasts six full days.

Day 1:	Registration, preparatory training sessions and the welcome cocktail;
Day 2 to 4:	Preliminary Rounds along with several social events;
Day 5:	Eighth-and Quarter-Final Rounds take place followed;
Day 6:	Semi-Final and Final followed by award ceremony and closing cocktail.

During the Competition, participants apply ICC’s Amicable Dispute Resolution (ADR) Rules aiming to settle commercial dispute scenarios that have been exclusively drafted by a special Drafting Working Group of international mediation experts. These Problems are submitted beforehand to the Teams for their preparation. Each Team also has to prepare a written analysis of the Problems, the so-called Mediation Plan.

Throughout the Competition, the Organizing Committee arranges special trainings where professionals share their experience, insight and best practices with their fellow colleagues and students. Further to the trainings, the Competition is complemented by a range of social activities that provide a platform for participants to network and exchange experiences.

### 3. Where does the Competition take place?

The Competition takes place in Paris, France, at ICC headquarters and other selected venues in Paris.

In 2012, venues chosen for the 7th Competition included the law firm offices of Clifford Chance, DLA Piper and Gide Loyrette Nouel. The Final took place at the Maison du Barreau. The various social events were hosted by the law firms Gide Loyrette Nouel, Jones Day and Squire Sanders.

The details about the venues for the 8th Competition will be available on the Competition website ([click here](#)) in due course.

#### 4. Who can apply to the Competition?

**Universities** including business and law schools from all around the world are invited to apply to the Competition.

**Trained and experienced Mediators** from all around the world are invited to participate as volunteer Mediators and Judges in the Competition.

**Volunteers** are invited to apply to participate in the Competition as *Mediation Session Supervisors* and help with upcoming tasks during the event. If you are interested in becoming a Volunteer for the 2013 Competition, please send your short application to Angela Herberholz at: [ahz@iccwbo.org](mailto:ahz@iccwbo.org) and indicate your availabilities.

#### 5. Can one become an Observer?

Due to space restrictions, additional guests (“Observers”) can only be permitted to attend the Competition after receiving prior invitation from the Organizing Committee. Please note that observers from participating universities are prohibited to attend the Competition.

Observers who have been permitted to attend by the Organizing Committee have to pay a participation fee (€ 200) prior to attending the Competition. The fee includes observation of the Mediation Sessions, if spaces are available, as well as entry to the welcome, middle and final cocktail and to divers training sessions.

All Observers need to register for all social events before the Competition.

#### 6. Who is the Organizing Committee?

The Organizing Committee is the official ICC group in charge of managing the Competition. In case of questions or concerns, you can directly contact them at: [iccmediationcompetition@iccwbo.org](mailto:iccmediationcompetition@iccwbo.org).

During the Competition, the Organizing Committee is supported by numerous Volunteers without whom the event would not be possible.

The Organizing Committee can impose penalties and/or disqualifications if it considers that a Team or one of its members has violated the 2013 Competition Rules.

#### 7. What is the official language of the Competition?

The official language of the Competition is English.

#### 8. What is a Mediation Session?

“Mediation Session” means the timeframe of 150 minutes which include the actual mediation (85 minutes).

During each mediation one Competition Problem will be addressed. Two Competing Teams participate in each Mediation Session.

“Team” means a group of two to four eligible Students accepted by the Organizing Committee to participate in the Competition.

In any mediation, **only two (2)** students per Team may participate, one student takes the role of the Counsel (must be a law student) and the second student takes the role of the Client.

The coach and the remaining Team members can observe the Mediation Session.

One assigned professional will act as the Mediator while two additional professionals will be judging the Teams’ performance. The number of Judges will increase to three in the Final Rounds.

The Competing Teams will sit together with the Mediator and the Judges at one table. No one else is allowed to interact with the Competing Teams while the Mediation Session is ongoing.

## 9. What is a Mediation Problem?

Each international commercial dispute case study (Mediation Problem or Problem) consists of both General and Confidential Information.

General Information contains the background factual information of the Problem while the Confidential Information presents more detailed information for the exclusive use of a Party.

The General Information will be disclosed to all participants in autumn 2012 after the application period and selection of all Teams by the Organizing Committee.

Teams are assigned by the Organizing Committee to either present the Requesting Party or Responding Party (role). Depending on their role, Teams receive Confidential Information in addition to the General Information to prepare for their Mediation Session.

The Confidential Information will differ depending on whether the Team is acting as the Requesting Party or the Responding Party.

The Confidential Information for the Preliminary Rounds is provided to each Team by the Organizing Committee prior to the Competition and is for the exclusive use of that Team only. Confidential Information is **not** to be communicated by the members of one Team to any other Team.

Confidential Information and assignment of roles for the Final Rounds will be provided at the end of the Preliminary Rounds, Eighth-Finals, Quarter-Finals and Semi-Finals.

Sharing the Confidential Information with other Teams leads to an immediate disqualification of the Competition.

## 10. Where can I find up to date information on the Competition?

The most recent information about the Competition will be available on the Competition [website](#), on [facebook](#) or follow us on [twitter](#).

## II. Universities

### 1. Who can participate?

Students from both business and law schools can participate in the Competition.

The Competition is open to all full and part-time university students (to the exclusion of post-graduate students) registered in the university during the academic period during which the Competition is held.

For the exact eligibility criteria, please see 2013 Competition Rules.

In order to enable as many eligible Students as possible to participate in the Competition, each student is entitled to participate in the Competition **only once**. Teams **cannot** include students who have already participated in the Competition.

### 2. How can a university apply to the Competition?

The application is open from 23 July 2012 until 21 October 2012.

All universities who wish to submit a Team to the Competition must apply online.

The registration fee per team is calculated with reference to the number of students participating in the Team. Teams composed of two students contribute € 500, composed of three students € 650 and composed of four students pay € 800. The coach joins the Team without additional charges. Full payment of the registration fee prior to the event is mandatory before final acceptance by the Organizing Committee. Teams which do not proceed with the payment of the registration fee within the timeline granted by the Organizing Committee will not be admitted to the Competition.

By applying for the Competition through the online application process, the university agrees to pay the participation fee in case it is selected to participate in the Competition by the Organizing Committee.

ICC is regrettably not in a position to cover costs for travel and hotel accommodation. Therefore each team is responsible for its own expenses.

The Organizing Committee will select about 66 Teams to participate in the 2013 Competition.

Application is divided into two periods:

**1. 23 July 2012 until 24 August 2012:** ICC opens application for 33 university Teams. Accordingly, universities applying on or before 24 August 2012 will be considered for the first round of selection. The Organizing Committee will notify all Teams which have applied within the first application period, at the latest by 31 August 2012 whether they have been selected for one of the 33 places.

**2. 3 September 2012 until 21 October 2012:** The remaining 33 places will be filled until the closing of the application process. All Teams which applied before 24 August 2012 but were not granted one of the first 33 places will automatically be considered for the second round of the application process. The Organizing Committee will notify all universities at the latest by 26 October 2012 whether they have been selected to participate in the Competition.

Once selected, the Teams will be contacted by the Organizing Committee with further information about their participation (payment of the registration fee, indication of the Team composition, etc.).

Further, although universities may of course use their own internal selection process to choose individual Team members, the composition of the Teams are subject to final approval by the Organizing Committee.

### **3. How many Teams can be submitted by one university?**

Each university can only nominate one Team with maximum four students and one coach.

### **4. How does the Team need to be composed?**

Teams are composed of a minimum of two and a maximum of four students and one coach only. Each Team must include at least one law student taking over the role of Counsel in each Mediation Session.

During the Mediation Sessions, one Team member takes on the role of Counsel and one Team member takes on the role of Client.

### **5. What is a Team's contact person?**

Each university Team will be required to nominate a contact person who will communicate regularly with the Organizing Committee, receive updates and respond to requests for information.

This person needs to provide an email address and contact details.

For example, such a contact person may be a member of the Team or the coach.

### **6. What is the role of the coach?**

Each Team can be accompanied by one coach. The coach can be a professor, a lecturer, a co-student or somebody else. Students who have previously participated in the Competition are also permitted to attend as coaches. The coach may advise the Team in its planning and preparation for the Competition.

### **7. Does every Team have to have a coach?**

No, each Team may be accompanied by one coach but are not so required.

### **8. Can a Team invite Observers to the Competition?**

No, unfortunately due to space restrictions it is not possible to invite Observers from participating universities.

### **9. How long do Teams stay in Paris?**

The Competition runs six days, from 8 February to 13 February 2013, but many Teams choose to arrive earlier and/or stay longer to enjoy Paris.

Apart from the knowledge and experience gained during the Mediation Sessions of the Preliminary and Final Rounds, the Competition is also a means of sharing intercultural experiences and best practices, networking with other participating students and renowned professionals, and even developing friendships. This also often happens outside the Mediation Sessions, during the social events and trainings.



Thus, the Organizing Committee encourages all participants to arrive at least one day prior to the Competition to ensure adequate rest and timely registration. We also recommend that participants stay until the Finals and Final Cocktail on 13 February 2013 to ensure they get the most out of this unique educational and intercultural experience.

### **10. How many Mediation Sessions a Team will attend?**

Each Team is challenged with four commercial mediation problems, which are dealt in separate Mediation Sessions during the first three days (the Preliminary Rounds). After these days, depending on the Team's performance, the Team may enter the Finals (Eighth, Quarter, Semi-Final and Final).

### **11. How many Team members compete in one Mediation Session?**

Two Team members can compete in one Mediation Session.

Only two students of each Team are actively involved in each Mediation Session.

### **12. What to bring to a Mediation Session?**

Each Team shall bring:

- A printed version of their Mediation Plan (4 copies);
- Printed biographies of each Team member, indicating nationality and native language (4 copies);
- Preparatory notes (optional);
- A pen and paper;
- Something to drink, such as a bottle of water.

Please note that during the Preliminary Rounds, the Organizing Committee cannot provide printing or copying facilities. Teams must therefore ensure that they have adequate copies of their Mediation Plans and biographies for each Mediation Session for which they are scheduled on a particular day.

### **13. Can universities have sponsors?**

Yes, Teams have the possibility to approach sponsors for their participation in the Competition. The sponsor logos shall be displayed in the Competition Leaflet next to the Team's representation.

The sponsors logo can only be added in the Competition Leaflet if the Teams submit it to the Organizing Committee on or before the 16 November 2012.

### **14. Are there trainings for participating universities?**

Yes, there will be trainings for Team members. The times and venues will be published on the [Competition website](#) closer to the time of the Competition.

### **15. How can a Team sign up for trainings?**

Once a Team is accepted by the Organizing Committee to participate in the Competition, each Team will be provided with all necessary registration information.

### **16. Do the universities get a certificate of participation?**

Yes, the Organizing Committee will issue each Team member a formal certificate of participation. It will be handed out during the Final.

### **17. Where is the ranking of the Competition published?**

The ranking of the first 33 universities after the Preliminary Rounds will be available on the Competition website after the end of the Competition.

## **III. Professionals**

### **1. Who can participate?**

Trained Mediators from all around the world are invited to participate as volunteers in the Competition. The Competition offers a unique platform to share knowledge, experience and insight with the next generation of dispute resolution professionals.

The Organizing Committee will select professionals who are trained mediators and have substantial experience in conducting commercial mediations.

### **2. How can a mediator apply for the Competition?**

The application process is open from 23 July 2012 until 18 November 2012.

### **3. What are the availabilities during the Competition?**

Availabilities are days which professionals reserve for the Competition.

The availabilities need to be indicated during the application process.

Based on indicated availabilities, preferences and the decision of the Organizing Committee, an individual schedule, including all applicable Mediation Sessions and locations, shall be provided after the application period is closed and selections have been made.

### **4. How many days should one be available?**

Highly motivated students come from all around the world to learn from you. Due to your generous contribution of time and analysis, students are able to learn from your insight, your vast experience, and by doing so they gain a better understanding of mediation and improve their own advocacy skills. Your investment in the profession you love is equal to the guidance and inspiration you give to the next generation of dispute resolution professionals.

It is for these reasons that the Organizing Committee would very much appreciate the professionals being available to participate for as much time as possible during the Competition.

### **5. What are reserved slots?**

In order to provide a smooth Competition for all participants, some additional professionals shall be scheduled as “Reserve Judges or Mediators” for each Mediation Session. This means that they shall be asked to be ‘on call’ in the event that an assigned professional is unable to attend a specific Mediation Session during the Competition.

Professionals who are scheduled as Reserve Judges or Mediators are asked to be reachable by mobile and able to arrive at the location within 10 minutes. The Organizing Committee shall notify all Reserve professionals whether they will be required to attend a particular Mediation Session as soon as all participants are present.

## **6. When are the individual schedules provided?**

Each accepted professional will receive an individual schedule, including all applicable Mediation Sessions and locations, prior to the Competition after the application process have been closed.

## **7. Is there preparation training for participating professionals?**

Yes, there will be preparation training for professionals. All professionals are encouraged to attend and share best practices and tips with both new and experienced participating professionals. All Professionals who have not participated in the 2012 Competition must attend a mandatory training session on Friday, 8 February 2012 at ICC.

## **8. How can a professional sign up for trainings?**

When the Organizing Committee contacts the professional to indicate his or her availabilities for the Mediation Sessions, the professional will also have the opportunity to register for various trainings and social events.

## **9. Guests**

Should you wish to bring a guest (for example, your spouse or partner) to one of the social events, please contact us prior to the Competition. We have a limited amount of additional space reserved for additional guests. Unfortunately, we are not able to invite your guest free of charge. A registration fee shall be paid prior to the Competition.

## **10. What does a professional need to submit before the Competition?**

Each professional needs to submit:

- Availabilities for the Mediation Sessions;
- Registration for trainings;
- Registration for social events;
- Registration for guests;
- Statement of independence;
- Short written biography and picture to be published in the Competition Leaflet.

All information will be requested by the Organizing Committee once the professional is accepted. Only the availabilities need to be shared during the online application.

## **11. What to bring to a Mediation Session?**

Each professional shall bring:

- General Information of the Problems;
- Confidential Information (This only applies for Judges. Please make sure this is not accessible by anyone but you);

The Score Sheets for the Judges and the Competition Rules will be available in each room.

## IV. Sponsoring

### 1. Who can become a sponsor?

ICC offers different levels of sponsorship, media partnership opportunities and corporate supporter packages for each event separately but also provides for combined-event packages that allow sponsors to maximize their visibility and gains. All packages will be customized to meet your specific marketing objectives. Partnership agreements will be executed on a first-come, first-served basis.

### 2. How to become a sponsor?

Sponsorship opportunities are numerous – ranging from physically hosting Mediation Sessions during the Competition, to sponsoring social events, providing Competition materials and financial contributions.

Please visit the [Competition website](#) to read more about sponsorship opportunities.

We would be delighted to discuss our different sponsorship opportunities with you.

## V. Travel Information

### 1. Accommodation

ICC is regrettably not in a position to cover any travel and accommodation costs for Teams of professionals. However, all participants are provided with an accommodation list, including preferential rates for Competition participants.

You shall receive the accommodation list once being accepted by the Organizing Committee.

When booking, please mention that you take part in the ICC International Commercial Mediation Competition.

### 2. Visa

Please make sure you are aware of the visa regulations from your country.

If a visa is required, ICC can assist by writing an invitation letter for participants accepted by the Organizing Committee. Please note that ICC cannot obtain visas on behalf of Teams. Each Team will be directly responsible for securing their visas.

The following information must be submitted to the Organizing Committee with the request for an Invitation Letter:

- Address of the French Consulate or Embassy to which the request is directed (usually in the state or country where your university or you are located);
- Full Names of Team members as they appear in their passports;
- Passport numbers;
- Dates of birth;
- Dates of issue of passport;

- Dates of expiry of passport;
- Nationalities of Team members as they appear in their Passports.

## VI. Glossary

For your convenience please see *below* for all of the important definitions used in the Competition.

The following terms have the corresponding meanings:

- ADR” means Amicable Dispute Resolution, as provided by ICC.
- “ADR Rules” means the ICC ADR Rules.
- “BATNA” means Best Alternative to a Negotiated Agreement, and refers to what is the best thing a Party, can do, without the consent of the other Party, if the Parties fail to reach an agreement.
- “Break” means a 3 minute period of time that can be requested once by each Competing Team in each Mediation Session and during which the overall time of the Mediation Session continues to run.
- “Brief Biography” means each Team member’s written biography also indicating his/her nationality, native language and including a picture. The Brief Biography can have a maximum of 100 words.
- “Caucus” means a separate meeting between the Mediator and a Competing Team.
- “Coach” means the one person selected by a Team or the Team's university to act as that Team's coach, who is permitted to accompany the Team to the Competition.
- “Confidential Information” means the background factual information of the Problem for the exclusive use of a Party and the Judges but not the Mediator.
- “Competing Team” means the two students from one Team competing in one specific Mediation Session in the role of Counsel and Client.

- “Competition” means the 2013 ICC International Commercial Mediation Competition.
- “Counsel” and “Client” refer to the roles taken respectively by two members of a Team during each Mediation Session; together they are referred to as the Competing Team or as the Party.
- “Cross-Caucus” means a separate meeting between the Mediator and both Counsel or a separate meeting between the Mediator and both Clients of the Competing Teams.
- “Drafting Working Group” refers to the group, selected by the Organizing Committee, in charge of drafting the Problems for the Competition.
- “Eligible Student” means a person who meets the criteria defined in Rule 5.3.
- “Final Rounds” means the Eighth-Finals, Quarter-Finals, Semi-Finals and the Final.
- “General Information” means the background factual information of the Problem for the use by each Party, the Judges and the Mediator.
- “ICC” means the International Chamber of Commerce headquartered in Paris.
- “Judge” means a professional mediator selected by the Organizing Committee who evaluates and scores the students’ performance during a Mediation Session in accordance with the Judges scoring guidelines, as provided in Annex IV.B.
- “Judging Criteria” means the criteria set out in the Score Sheet.
- “Law Student” means an Eligible Student studying law.
- “Mediation Plan” means each Team’s written case analysis referred to in Rule 3.0.

- “Mediation Plan Score Sheet” means the document in accordance with the sample set out in Annex I.C.
- “Mediation Session” means the timeframe of 150 minutes as described in Rule 2.1.
- Mediation Session Supervisor means a person appointed by the Organizing Committee to keep time during a Mediation Session and ensure the Rules are being followed.
- “Mediation” means the timeframe of 85 minutes for the actual mediation between the two Competing Teams as described in Rule 2.1.
- “Mediator” means a professional mediator selected by the Organizing Committee to take the role of mediator during a Mediation.
- “Organizing Committee” means the official ICC group in charge of organizing and managing the Competition. Its members are mostly part of the ICC International Centre for ADR.
- “Penalties” means points deducted for any Rule violation pursuant to Rule 8.1.
- “Prohibited Assistance” means advice, instructions, or other communication to a Team that is not in compliance with Rule 2.8.
- “Preliminary Rounds” means the eliminatory phase of the Competition prior to the Final Rounds.
- “Problem” means an official international commercial dispute case distributed by the Organizing Committee, as supplemented or corrected by any Problem Clarifications, which Teams will endeavor to resolve with the help of the Mediator during the Mediations.
- “Problem Clarifications” means the official clarifications or corrections of the Competition Problems, as published pursuant to Rule 4.2.



- “Problem-Solving Approach” means an approach to mediation in which participants ascertain each other’s interests, brainstorm options and seek to create a solution that meets their interests and needs better than their BATNA.
- “Professional” means a volunteer mediator who is selected by the Organizing Committee to act as mediator or judge in the Competition.
- “Requesting Party” and “Responding Party” mean respectively the Competing Team which argues on behalf of the party requesting mediation and the party responding to the request for mediation respectively at any given point in the Competition (each a Party).
- “Rules” mean these Competition Rules.
- “Score Sheet” means the document in accordance with the sample set out in Annex I.A.
- “Special Award Score Sheet” means the document in accordance with the sample set out in Annex I.B.
- “Team” means a group of 2 to 4 Eligible Students accepted by the Organizing Committee to participate in the Competition.
- “WATNA” means Worst Alternative to a Negotiated Agreement, and refers to what a Party’s worst case scenario would be if the Parties fail to reach an agreement.