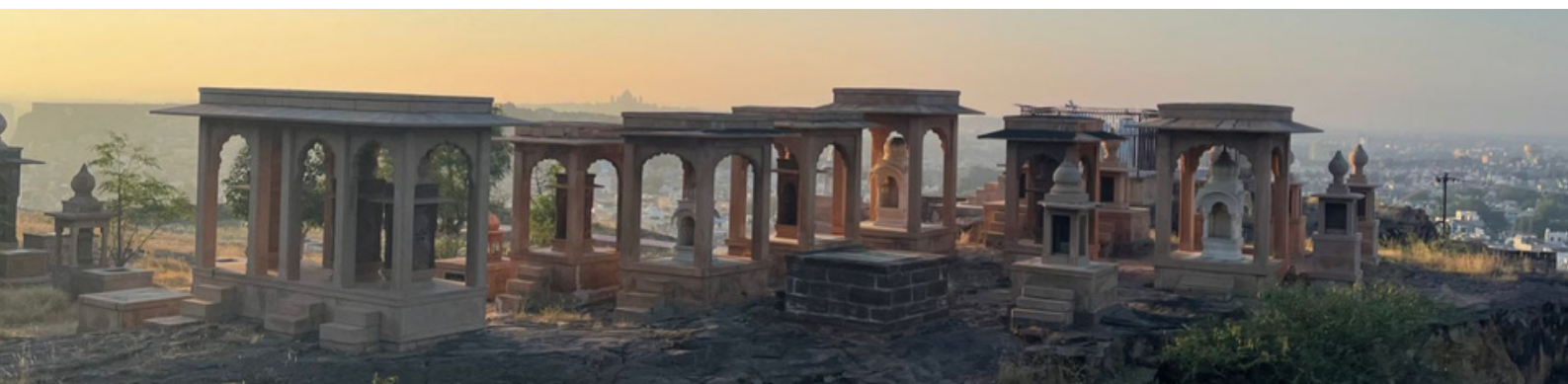
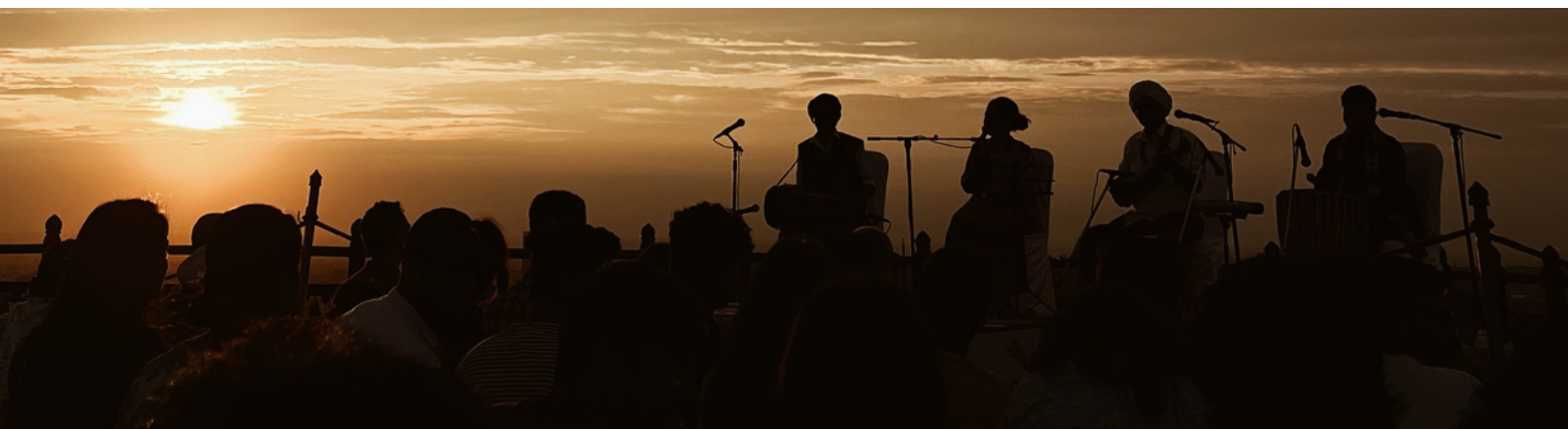


ALLEN & OVERY



COMPETITION RULEBOOK

ALLEN & OVERY - NLU JODHPUR
INTERNATIONAL DEAL
NEGOTIATION COMPETITION
10TH - 12TH MARCH, 2023

SUPPORTING PARTNERS



ASIAN INSTITUTE OF ALTERNATIVE DISPUTE RESOLUTION



ASIAN INTERNATIONAL ARBITRATION CENTRE
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TABLE OF CONTENTS

1. General.....	1
2. Definitions	1
3. Team Composition.....	2
4. Negotiation Proposition	2
5. Negotiation Sessions	3
6. The Negotiation Plan.....	5
7. Expert Assessors	6
8. Awards	8
9. Disqualification And Blacklisting.....	9
10. Miscellaneous.....	10
Schedule 1: Score Sheet (Negotiation Session).....	12
Schedule 2: Negotiation Plan Score Sheet.....	14
Schedule 3: Penalty Score Sheet (Negotiation Plan).....	15

1. GENERAL

- 1.1. The Allen & Overy – NLU Jodhpur International Deal Negotiation Competition, 2023 [“Competition”] shall be hosted by National Law University, Jodhpur [“NLUJ”], between March 10-12, 2023.
- 1.2. The Competition has been instituted with the aim of offering law students across the world the opportunity to test and hone their commercial awareness and negotiation skills in a unique setup, and allowing them to negotiate complex real-life commercial issues in mock simulation sessions.

2. DEFINITIONS

- 2.1. “BATNA” means the Best Alternative to a Negotiated Agreement and refers to the best step for a party to take, if the Parties fail to reach an agreement.
- 2.2. “Competition Rules” means these rules of the Competition.
- 2.3. “Competition Administrator(s)” means the Alternative Dispute Resolution Committee [“ADRC”], in charge of organising and managing the Competition.
- 2.4. “Confidential Information” means certain factual information in relation to a Negotiation Proposition that is provided exclusively to only one party.
- 2.5. “Eligible Student” means a student who is enrolled in a full-time law degree at the time of the Competition.
- 2.6. “Expert Assessor” means a lawyer or an academician nominated and/or selected by the Competition Administrator who will evaluate and score the performances of the Participating Teams during the Negotiation Session in accordance with the Competition Rules.
- 2.7. “General Information” means factual information with respect to a Negotiation Proposition that has been provided to both parties.
- 2.8. “Judging Criteria” has the meaning given to it in Rule 7.3.
- 2.9. “Negotiation Plan” has the meaning given to it in Rule 6.
- 2.10. “Negotiation Session” means the period during which the Participating Teams will negotiate a Negotiation Proposition in the Preliminary, Semi-Final or Final Rounds, as provided under Rule 5.
- 2.11. “Negotiation Proposition” means an official problem distributed by the Competition Administrators to the Participating Teams, which may further be amended/supplemented by subsequent clarification, and which shall be used as the basis of the Negotiation Session by the

Participating Teams. The Negotiation Proposition includes General Information and Confidential Information.

- 2.12. “Participating Team” means a group of two Eligible Students allowed, as per the Rules provided by the Competition Administrators, to participate in the Competition.
- 2.13. “Penalties” means points deducted for any violation of the Competition Rules in accordance with Rule 7.5.
- 2.14. “Penalty Score Sheet” means the sheet enclosed in Schedule 3.
- 2.15. “Score Sheet” means the sheet enclosed in Schedule 1.
- 2.16. “WATNA” means the Worst Alternative to a Negotiated Agreement and refers to the worst acceptable step that the party could take, if they fail to reach an agreement.

3. TEAM COMPOSITION

- 3.1. Each Participating Team shall consist of two Eligible Students, one playing the role of “Client”, and the other playing the role of “Counsel”. Each Eligible Student shall represent themselves as the “Client” and “Counsel” in at least one Preliminary Round.
- 3.2. There shall be no change in the composition of a Participating Team after notification to the Competition Administrators. Any change in the team composition after it has been communicated to the Competition Administrators, without reasonable cause, may attract a penalty at the discretion of the Competition Administrator, which may extend to the team’s disqualification under Rule 9.1.1 of these Rules.
- 3.3. The term “reasonable cause”, as used in Rule 3.2 (above), shall be interpreted and conclusively determined at the discretion of the Competition Administrators.

4. NEGOTIATION PROPOSITION

4.1. UNDERSTANDING THE PROPOSITION

- 4.1.1. A Negotiation Proposition is the information that will be given to the teams based on which they will be introduced to the problem and can devise strategies to come to an amicable solution. Each of the five rounds will have a separate proposition.
- 4.1.2. While the Participating Teams are not allowed to create new facts, the Negotiation Proposition is subject to reasonable interpretation and the Participating Teams may draw reasonable conclusions from them. Whether a Participating Team’s interpretation is reasonable is a matter entirely within the discretion of the Expert Assessors.

4.1.3. Failure to stay within a reasonable interpretation of the Negotiation Proposition may result in a Penalty as per the discretion of the Expert Assessors. In case of any doubt in the understanding or interpretation of any matter concerning the Negotiation Proposition, the decision of the Competition Administrators will be final and binding.

4.2. GENERAL INFORMATION AND CONFIDENTIAL INFORMATION

4.2.1. The Negotiation Proposition is divided into two parts: (i) the General Information and; (ii) the Confidential Information.

4.2.2. The General Information will give the teams a lay of the land with respect to what each party expects. The General Information for all the rounds will be given prior to the commencement of the Competition on a date that will be notified to the teams by the Competition Administrator.

4.2.3. The Participating Teams will receive information as to what party (side) they will be representing 30 minutes prior to the commencement of the Negotiation Session.

4.2.4. The Confidential Information, which will be more specific and help the parties take a concrete position, will be communicated 30 minutes before the commencement of the Negotiation Session.

4.2.5. The Confidential Information is only for the appreciation of the respective team, and dissemination of the same outside of the Negotiation Session, before the conclusion of the Competition, will lead to penalisation as the Competition Administrators see fit.

5. NEGOTIATION SESSIONS

5.1. STRUCTURE OF NEGOTIATION SESSIONS

5.1.1. The Competition will consist of five rounds: two Preliminary Rounds, one Quarter-Final Round, one Semi-Final Round, and the Final Round. The nature of these rounds will be hierarchical, and proceeding to the next round will depend on performance in the previous one.

5.1.2. The teams will not be given the option to invoke a private caucus, but may communicate with each other audibly (such that the Expert Assessors and other party can hear them) within the round itself. Such communication should be professional and will be considered a part of the round.

5.2. TIME LIMITS

- 5.2.1. The time limit for the Preliminary Rounds shall be 80 minutes, a break-up of which is as follows:
 - 5.2.1.1. 60 minutes for the Negotiation Session;
 - 5.2.1.2. 10 minutes for the question-and-answer session;
 - 5.2.1.3. 10 minutes for the Expert Assessors to score the Participating Teams.
- 5.2.2. The time limit for the Quarter-Final, Semi-Final and Final Rounds shall be 90 minutes, a break-up of which is as follows:
 - 5.2.2.1. 60 minutes for the Negotiation Session;
 - 5.2.2.2. 20 minutes for the question-and-answer session;
 - 5.2.2.3. 10 minutes for the Expert Assessors to score the Participating Teams.
- 5.2.3. The Competition Administrator shall supervise each round and will be responsible for keeping time. The Competition Administrator will give 30-minute, 15-minute and 5-minute warnings and will announce when the time is up. The negotiations shall stop at the end of allotted time. The decision of the Expert Assessor on the allocation of time shall be final.
- 5.2.4. The Expert Assessors may adjust the time limits set out in 5.2.1 and 5.2.2 if they deem it to be necessary and as per their discretion.

5.3. TEAM RANKINGS AND PROGRESSION

- 5.3.1. The Expert Assessors shall evaluate the performance of the Participating Teams on the basis of the Judging Criteria stipulated in Rule 7.3 read with Schedule 1.
- 5.3.2. For each round there shall only be one winning team. The winning team for the round shall be the one that secures the highest score(s) by the Judge(s) in that Negotiation Session.
- 5.3.3. The top 8 teams with the highest number of wins in the Preliminary Rounds shall progress to the Quarter-Final Round. In case of a tie in the number of wins, progression to the Quarter-Final Round shall be based upon the following criteria:
 - 5.3.3.1. Aggregate of the scores secured in the Preliminary Rounds;
 - 5.3.3.2. In case of a tie in the above criterion, the team with the lowest score difference between the scores of both their Preliminary Rounds performance shall progress to the Semi-Final.
- 5.3.4. Progression from the Quarter-Final, Semi-Final and Final Rounds shall progress on a knock-out basis, wherein the Participating Team scoring the higher score in each Negotiation Session shall advance to the next round.

6. THE NEGOTIATION PLAN

6.1. INTRODUCTION TO THE NEGOTIATION PLAN

- 6.1.1. A Negotiation Plan shall be submitted by each team for each of the Negotiation Propositions for the two Preliminary Rounds. The purpose of the Negotiation Plan is to evaluate how well the Participating Team has understood the Negotiation Proposition (General Information) and will be an indication of what the parties hope to achieve through the Negotiation Session.
- 6.1.2. The Negotiation Plan has to be from the perspective of both the parties, in accordance with the specifications listed in Rules 6.2 and 6.3.

6.2. CONTENTS OF THE NEGOTIATION PLAN

- 6.2.1. The Negotiation Plan shall consist of the following elements, from the perspective of both parties:
 - 6.2.1.1. *Strategic Strong Points* and *Strategic Weak Points*.
 - 6.2.1.2. *BATNA & WATNA*.
 - 6.2.1.3. *Needs and Interests*: This section should be what the parties hope to achieve as a direct result of the Negotiation Session. Participating Teams may choose to include both short-term and long-term interests or goals.
 - 6.2.1.4. *Negotiation Strategy*: This section should include how the party intends to structure the Negotiation Session, what points they will raise, how they will raise them, in what order they will raise them, and what strategies they would employ to achieve their objectives
- 6.2.2. The parties are expected to strictly adhere to the above parameters and are advised against adding any extra sections.

6.3. FORMATTING

- 6.3.1. A Negotiation Plan should strictly adhere to the following requirements:
 - 6.3.1.1. The Negotiation Plan shall not exceed three (3) A4 size pages (excluding cover page and back cover page);
 - 6.3.1.2. The Negotiation Plan must be entirely in Garamond font with font size 12 and 1.5 line spacing;

- 6.3.1.3. The Negotiation Plan shall have 1-inch margins, with no text in the margins;
 - 6.3.1.4. The Negotiation Plan shall be justified, including the page numbers (if any);
 - 6.3.1.5. The Negotiation Plan shall not contain any text in the header or footer other than page numbers in the footer (if any);
 - 6.3.1.6. The Negotiation Plan shall not contain any footnotes or border.
 - 6.3.1.7. The Negotiation Plan shall not contain any identifiers of personal information, such as name of the students or university.
- 6.3.2. Non-compliance with the above guidelines will lead to penalties as have been stipulated in Schedule 3.

6.4. SUBMISSION AND EVALUATION

6.4.1. Submission

- 6.4.1.1. The Negotiation Plans are required to be submitted to the Competition Administrators via the Team Account in either the .doc/.docx format, on or before **23:59 hours** on **March 3, 2023**.
- 6.4.1.2. No modification in the Negotiation Plan will be allowed after the submission of the document *via* the Team Account.
- 6.4.1.3. Parties are not expected to submit a physical copy of the Negotiation Plan, and the same will be provided to the Expert Assessors by the Competition Administrators during the Competition.

6.4.2. Evaluation

- 6.4.2.1. The marking of the Negotiation Plan will not be counted towards the marks for the Negotiation Sessions, and will be separate and have their own award. However, non-submission of the Negotiation Plan will preclude the party from participating in the competition as a whole, as prescribed under Rule 9.1.2.

7. EXPERT ASSESSORS

7.1. SELECTION OF EXPERT ASSESSORS

- 7.1.1. The Expert Assessors for the Competition shall be selected by, and assigned to, the Negotiation Session for each round by the Competition Administrators.
- 7.1.2. The Competition Administrators shall try, so far as possible, that the Participating Teams encounter new Expert Assessors in every round.

7.2. EXPERT ASSESSORS IN EACH ROUND

The teams in the Preliminary Rounds shall be evaluated by at least one Expert Assessor, while the teams in the Semi-Final and Final Rounds shall be evaluated by at least two Expert Assessors. The Competition Administrators shall make all efforts to ensure that each round is judged by an equal number of Expert Assessors.

7.3. JUDGING CRITERIA

Each Participating Team shall be evaluated and scored for their performance by the Expert Assessors on the basis of the Judging Criteria mentioned in this rule read with Schedule 1. The Judging Criteria shall include the following parameters:

- 7.3.1. *Introduction:* At the outset of the Negotiation Session, the Participating Teams will be required to briefly present their respective factual situations. The parties shall limit themselves to the information that is in accordance with the proposition.
- 7.3.2. *Identification of Issues and Setting the Agenda:* The Participating Teams shall identify key issues for each of the parties and thereon they shall set the agenda for the Negotiation Session. This shall be done to provide a structure to the discussion.
- 7.3.3. *Role Division:* All the Participants are required to provide an equal contribution to the discussion, wherein, the Clients are expected to focus on commercial aspects and to take decisions favourable for their respective sides, while the Counsels are expected to focus on the legal and technical aspects of the discussion.
- 7.3.4. *Teamwork and Co-ordination:* The Participating Teams must showcase teamwork in the Negotiation Session through an active distribution of work according to their roles and by carrying on their discussion in a coordinated manner. Participating Teams will also be judged on their ability to a build relationship with the other party.
- 7.3.5. *Creative Legal Solutions:* Through the course of the Negotiation Session, Participants are encouraged to generate creative solutions that favour their side.
- 7.3.6. *Q&A Session:* The Participating Teams must be able to accurately assess their respective situations and be able to present their specific needs/interests and their Negotiating Strategies to the Expert Assessors. They may also ask the Participating Teams any question relevant to their round which may be based upon the Negotiation Strategy adopted by

them, the solutions they presented or relating to the rationale behind any of their actions in the round.

7.4. Participating Teams will not be judged on:

- 7.4.1. Their ability to reach an agreement at the end of the stipulated time of the Negotiation Session.
- 7.4.2. Aspects of the Negotiation Plan submitted.
- 7.4.3. The Expert Assessors shall keep their evaluation of the Participating Teams, through scoresheets, confidential.

7.5. PENALTY

Subject to the discretion of the Expert Assessors, the following, *inter alia*, shall attract a penalty, to be deducted from the scores secured in the Negotiation Session:

- 7.5.1. Failing to adhere to the time limit for the Negotiation Session as laid down in the Rules;
- 7.5.2. Failing to stay within a reasonable interpretation of the Negotiation Problem.

8. AWARDS

8.1. AWARDS:

- 8.1.1. Winning Team Award: The Participating Team that secures the highest score in the Final Round of the Competition shall be declared as the Winner.
- 8.1.2. Runners-Up Team Award: The Participating Teams that secures the second highest score in the Final Round shall be declared as the Runners-up Team.
- 8.1.3. Best Negotiating Pair Award: The Participating Team who secures the highest aggregate score in the Preliminary Rounds shall be declared as the Best Negotiating Pair.
- 8.1.4. Runners-Up Negotiating Pair Award: The Participating Team who secures the second highest aggregate score in the Preliminary Rounds shall be declared as the Runners-Up Negotiating Pair.
- 8.1.5. Best Negotiation Plan: The Participating Team that secures the highest average score for their two Negotiation Plans for the Preliminary Rounds shall be awarded the Best Negotiation Plan Award.
- 8.1.6. Runners-Up Negotiation Plan: The Participating Team that secures the second highest average score for their two Negotiation Plans for the Preliminary Rounds shall be awarded the Runners-Up Negotiation Plan Award.

- 8.1.7. Spirit of the Competition Award: The Participating Team that best exemplifies the spirit of negotiation and communication in its interactions with other teams during the Competition will be chosen by the Competition Administrators.
- 8.1.8. Participation Certificate: Each member of a Participating Team shall be awarded a Participation Certificate.

8.2. SPECIAL AWARDS

- 8.2.1. Distinction in Opening Statement.
 - 8.2.2. Distinction as a Public Speaker.
 - 8.2.3. Distinction in Relationship Building with the Other Team.
 - 8.2.4. Distinction in Commercial Awareness.
- 8.3. A Participating Team qualifying for the Winning Team or the Runners-Up Team Award as per Rule 8.1.1 and 8.1.2. shall be automatically disqualified from consideration for the Best Negotiating Pair Award, Runners-Up Negotiating Pair Award and any special awards as per Rule 8.1.3, 8.1.4 and 8.2.

9. DISQUALIFICATION AND BLACKLISTING

- 9.1. Subject to the discretion of the Competition Administrators, the following may result in the disqualification of a Participating Team:
- 9.1.1. Any change in the composition of the Participating Team after it has been communicated to the Competition Administrators;
 - 9.1.2. Failure to submit the Negotiation Plan in accordance with the timelines and Rules communicated by the Competition Administrators, or the submission of dummy Negotiation Plan;
 - 9.1.3. Sharing of Confidential Information to any other Participating Team or University, prior to the conclusion of the Competition;
 - 9.1.4. Use of unauthorized electronic devices, or the use of authorized electronic devices during the Negotiation Session for unauthorized purposes, such as seeking assistance, recording or photographing the Negotiation Session, etc.;
 - 9.1.5. Any other non-compliance of the Rules of the Competition, as per the discretion of the Competition Administrators.

- 9.2. Any unjustified withdrawal from participation in the Competition by a University may lead to its blacklisting from future editions of the Competition, as per the discretion of the Competition Administrators.
- 9.3. Any decision taken by the Competition Administrators regarding disqualification or blacklisting shall be final and not subject to appeal.
- 9.4. Any decision under Rule 9.2 shall be communicated in writing to the University of the Participating Team.

10. MISCELLANEOUS

10.1. LANGUAGE

The language of the Competition is English. All communications, oral and written, throughout the course of the Competition shall be in English.

10.2. TIME

Time and deadlines as referenced in the Rules or in any other communications shall follow Indian Standard Time (IST).

10.3. COMMUNICATIONS

- 10.3.1. Negotiation Plans must be submitted through the Team Account on the Competition website.
- 10.3.2. For queries, clarifications or concerns, the Competition Administrators may be contacted through the Contact Us forum on www.idnc.in or by email at info.idnc@nlujodhpur.ac.in.
- 10.3.3. Communication made to one member of a Negotiating Team by the Competition Administrators shall be deemed to have been made to the entire Participating Team.

10.4. ACCOMMODATION

- 10.4.1. Off-campus accommodation, as well as transportation to and from the Competition Venue, shall be provided by the Competition Administrators to Negotiating Teams for the duration of the Competition.
- 10.4.2. Accommodation and transportation shall not be provided to Coaches who choose to attend the Competition.

10.5. DRESS CODE

Negotiating Teams, as well as any Coaches that accompany them, shall be dressed in business formals for the duration of the Competition, as well as for the Opening and Valedictory Ceremonies.

10.6. SCORE SHEETS

Negotiating Teams shall be given access to their Preliminary Rounds Score Sheets upon request post the completion of the Competition.

10.7. RESIDUARY RULES

10.7.1. Power to make amendments or revocations:

10.7.1.1. The Competition Administrators shall have the power to amend or revoke these Rules, either in part or in full, as it sees fit, to ensure the smooth conduct of the Competition;

10.7.1.2. Any such amendment or revocation shall come into force upon its notification.

10.7.2. The Competition Administrators shall also have the power to take any other measures to ensure the smooth and fair conduct of the Competition.

10.7.3. The Competition Administrators shall be the sole authority on the interpretation of these Rules, and such interpretation shall be final and not subject to appeal.

SCHEDULE 1

SCORE SHEET (NEGOTIATION SESSION)

MATCHUP: TEAM _____ & TEAM _____

ROOM No. _____

CRITERION	TEAM _____		TEAM _____	
Opening Statement & (10) (Excellent: 9 - 10; Very Good: 7 - 8; Good: 5 - 6; Average: 3 - 4; Below Average: 0 - 2)	/10	/10	/10	/10
Teamwork & relationship building (20) (Excellent: 18 - 20; Very Good: 15 - 17; Good: 11 - 14; Average: 7 - 10; Below Average: 0 - 7)	/20	/20	/20	/20
Negotiation Strategy: Identification of Commercial Issues (30) (Excellent: 26 - 30; Very Good: 18 - 26; Good: 12 - 18; Average: 7 - 12; Below Average: 0 - 7)	/30	/30	/30	/30
Generating Creative Solutions (20) (Excellent: 18 - 20; Very Good: 15 - 17; Good: 11 - 14; Average: 7 - 10;	/20	/20	/20	/20

Below Average: 0 – 7)				
Feedback/Questions Session (20) (Excellent: 18 - 20; Very Good: 15 – 17; Good: 11 – 14; Average: 7 – 10; Below Average: 0 – 7)	/20	/20	/20	/20
Participant(s) Total (100)	/100	/100	/100	/100

Winner: Team Code _____

Judge's Name and Signature: _____

Recommendation for Special Award: _____

SCHEDULE 2
NEGOTIATION PLAN SCORE SHEET

TEAM: _____

CRITERION	SCORE
Analysis of Relevant Needs and Interests (25) (Excellent: 23 – 25; Very Good: 19 – 22; Good: 12 - 18; Average: 7 – 12; Below Average: 0 – 7)	/25
Identification of Strong & Weak Points of Each Party (25) (Excellent: 23 – 25; Very Good: 19 – 22; Good: 12 - 18; Average: 7 – 12; Below Average: 0 – 7)	/25
BATNA and WATNA (20) (Excellent: 18 - 20; Very Good: 15 – 17; Good: 11 – 14; Average: 7 – 10; Below Average: 0 – 7)	/20
Creativity, Uniqueness and Soundness of Negotiation Strategy (30) (Excellent: 26 – 30; Very Good: 18 – 26; Good: 12 – 18; Average: 7 – 12; Below Average: 0 – 7)	/30
Team Total (100)	/100

SCHEDULE 3

PENALTY SCORE SHEET (NEGOTIATION PLAN)

TEAM: _____ ROUND: _____

Penalties incurred in accordance with Rule 6 and/or Rule 11 of the Competition Rules.

BASIS FOR PENALTY	PENALTY PER VIOLATION (MARKS)	PENALTY INCURRED (MARKS)
A4 paper size (Rule 6.3.1.1)	2	
Three-page limit (Rule 6.3.1.1)	5 per page	
Font requirements (Garamond, size 12) (Rule 6.3.1.2)	2	
Spacing – text (Rule 6.3.1.2)	2	
Justified – text (Rule 6.3.1.4)	2	
Margins (Rule 6.3.1.3)	2	
Use of footnotes or page border (Rule 6.3.1.6)	2	
Breach of anonymity of Negotiation Plan (Rule 6.3.1.7)	5	
Plagiarism	Upto 10 marks	
Late submission	2 per hour	

END OF DOCUMENT