

BIP ON INTERNATIONAL ARBITRATION (MOOT)

3 ECTS

Blended learning activities are a combination of virtual/online learning activities and physical learning activities in the legal field. This study course was created to offer for the students an opportunity to be involved in an arbitral proceeding and take experience of the basics of international commercial arbitration.

The use of international arbitration has evolved to allow parties from different legal, linguistic and cultural backgrounds to resolve their disputes in a final and binding manner, typically without the formalities of the procedural rules of their own legal systems.

It offers several advantages over foreign litigation, including the right to a single, neutral forum and to receive an award that is readily enforceable in almost any jurisdiction.

Therefore, it is important to provide students with a combination of both basic and up-to-date knowledge, skills, competences, values and attitudes, enabling them to understand the reasons for selecting international arbitration over foreign litigation and how a typical arbitration proceeding unfolds. In the light of the above a moot court competition, simulating a court hearing, offers to the participants an opportunity to analyse a problem, research the relevant law, prepare written submissions, and present oral argument.

Course coordinator:

- Universidad Francisco de Vitoria - Prof. Aniello Merone

Partners:

- Università Europea di Roma - Prof. Marco Farina;
- Windesheim University of Applied Sciences – Prof. Corine Rueb

Assessment of the program:

The main assessment is a teamwork where students (3 for each team) are engaged with and thought deeply about interesting and topical legal issues. They will enhance their advocacy, legal research attitude, written and oral skills, working closely with and learn from their peers.

The problem is the same for all the participating teams and concerns an international sales contract governed by the United Nations Convention on Contracts for the International Sale of Goods (CISG), as well as issues of international civil procedure and international commercial arbitration. Participants are requested to draft, within the half of March, of a written Memorandum for Claimant and, within the end of March, of a written Memorandum for Respondent. Both memoranda shall be written in English. The oral hearings will take place in Madrid and are held in English as well. Each team shall plead both for the Claimant and for the Respondent, before Arbitration Tribunals composed by real arbitrators, lawyers and professors.

This project will be a great opportunity to work with your colleagues from other countries, to share your experience and gain knowledge.

Online lectures (23.01.2022 -31.03.2023), 11 weeks, MS TEAMS platform.

| LECTURES | LECTURER | TIME | PARTICIPANTS |
|--|------------------------------|--|--|
| Introductory lecture: Nature and Importance of International Arbitration. | Prof. Aniello Merone | 23.01.2023; 17:00 (duration - 60 min) | All groups |
| Sources of International Arbitration - New York Convention and Uncitral ML | Prof. Marco Farina | 27.01.2023; 17:00 (duration - 60 min) | All groups |
| Arbitration Agreement | Prof. Aniello Merone | 03.02.2023; 17:00 (duration - 60 min) | All groups |
| Applicable Law to the Arbitration agreement | Prof. Marco Farina | 10.02.2023; 15:00 (duration - 60 min) | All groups |
| Presentation of the Case (Moot-Court): brief analysis of procedural and substantive issues | Proff. Farina e Merone | 17.02.2023; 15:00 (duration - 60 min) | All groups |
| Introduction to International Private Law and to CISG Treaty | Prof.ssa Corine Rueb | 24.02.2023; 15:00 (duration - 60 minutes) | All groups |
| Application of CISG Treaty | Prof.ssa Corine Rueb | 07.03.2023; 17:00 (duration - 60 minutes) | All groups |
| Teams work to prepare memorandums for claimant | Proff. Rueb, Farina & Merone | March, the exact day will specify later (duration - 60 minutes) | Teams from same university with their coach |
| Teams work to prepare memorandums for claimant | Proff. Rueb, Farina & Merone | March, the exact day will specify later (duration - 60 minutes) | Teams from same university with their coach |
| Teams work to prepare memorandums for respondent | Proff. Rueb, Farina & Merone | March, the exact day will specify later (duration - 60 minutes) | Teams from same university with their coach |
| Teams work to prepare memorandums for respondent | Proff. Rueb, Farina & Merone | March, the exact day will specify later (duration - 60 minutes) | Teams from same university with their coach |

2. Short-term physical presence in Spain, Universidad Francisco de Vitoria (10.04.2023 - 14.04.2023):
The detailed program will be defined in the upcoming weeks.