

# 5th Journal of Private International Law Conference, Madrid, 12-13 Sep 2013

Building on the very successful Journal of Private International Law conferences in Aberdeen (2005), Birmingham (2007), New York (2009), and Milan (2011) the **5th Conference of the Journal will take place in Madrid on 12-13 September 2013**. The organization of the Conference is shared by the Law Faculties of Universidad Autónoma de Madrid and Universidad Complutense. The Programme is reproduced in full below. All of the details on venue, accommodation and registration can be found on the **conference website**.

## The Programme

### Thursday 12<sup>th</sup> September 2013

**9.00 - 9.30 Registration**

**9.30 - 10.00 Welcome session (J. Harris + local judicial or academic authorities)**

**10.00 - 11.30 Panels**

#### **Group 1 - MINORS & NAME**

CARPANETO, Laura	Few proposals on the “adaptation” of Brussels II-bis with specific reference to the rules on parental responsibility
FIORINI, Aude	The Hague Child Abduction Convention and the Habitual Residence of Newborns - a Comparative Study
GONZÁLEZ MARTÍN, Nuria	International Child Abduction and Mediation: Feasibility and Suitability of a Guide of Good Practice
TRIMMINGS, Katarina	Embryo transfer in international context

GUZMÁN ZAPATER, Mónica	The right to a name: observatory on the progress made by the EU on the continuity of civil status
Mikša, Katažyna	New rule - old problem? The law applicable to surnames in new Polish Act on Private International Law

## Group 2 - CODIFICATION

FRANZINA, Pietro	Codifying Private International Law - Some Thoughts on the Reasons of a Resurgent Trend
ERDÖS, Itsvan	Unity or Diversity? Should there be a European Code of Private International Law?
PAUKNEROVA, Monika & PFEIFFER, Magdalena	New Act on Private International Law in the Czech Republic: Starting Points and Perspectives within the European Union
ALMEIDA, Bruno & ARAÚJO, Nadia	Two steps forwards, one step back? Recent developments and pending challenges of PIL practice in Brazil
Deskoski, Toni & Dokovski, Vangel	Choice of court agreements in Macedonian Private International Law and in the Brussels I Regulation (and the influence of the Brussels I Regulation on the legal systems of the third countries)

## Group 3 - TORTS - JURISDICTION

DYRDA, Lukas	Autonomous interpretation in European private international law - several remarks on the notion of "the place where the harmful event occurred or may occur" under the Brussels I Regulation and the new Regulation No 1215/2012 in intellectual property infringement cases
CORDERO, Clara Isabel	The need for an EU coordinated legislative approach on cross-border violations of privacy

VALLAR, Julia	Is art. 5.3 of EC Reg. NO. 44/2001 applicable in respect of an action for a negative declaration in tort matters?
KNÖFEL , Oliver	Taming the Leviathan - Liability of States for Sovereign Acts (Acta Iure Imperii) as a Challenge for EU Private International Law

#### **Group 4 - ARBITRATION**

ASON, Agnieszka	The Revised Brussels Regulation: A New Approach To Arbitration in the European Rulemaking
HAUBERG WILHEMSEN, Louise	European Perspectives on International Arbitration
ZACARIASIEWICZ, Maciej	Vindicating public interest through application of mandatory rules in international commercial arbitration
GROSSU, Manuela	Waving the Right to Challenge Arbitral Awards as the Outcome of Hybrid Procedures
Hacibekiroglu, Ekin	Taking evidence in international commercial arbitration

#### **11.30 - 12.00 Coffee Break**

#### **12.00 - 13.30 Panels**

#### **Group 5 - MARRIAGE & MATRIMONIAL PROPERTY**

RAITIERI, Marco	Citizenship as a connecting factor in private international law for family matters
SHAKARGY, Sharon	Marriage by the State or Married to the State? On Choice of Law in Marriage and Divorce
QUINZA, Pablo	The establishment of an optional common European matrimonial property regime: an alternative way for international couples.

TORGA, Maarja	Establishing the 'cross-border' nature of a matrimonial property dispute under the proposed EU regulation on the matrimonial property regimes
SAPOTA, Anna	Compromise or enhanced cooperation - the possible ways to deal with EU proposal on matrimonial property regimes and property consequences of registered partnership

### **Group 6 - GENERAL PIL**

CANOR, Iris	The Principle of Non-Discrimination in Private International Law
FULLI-LEMAIRE, Samuel	Characterisation - a problem reborn?
MAUNSBACH, Ulf	Justifying the exclusion of choice
HOLLOWAY, David & SCHULTZ, Tomas	Comity in European PIL
SHRIVASTAVA, Vishal	A Case Study on the Need for Strengthening the International Court of Justice

### **Group 7 - RECOGNITION AND ENFORCEMENT IN THE EU**

TORRALBA, Elisa & RODRÍGUEZ PINEAU, Elena	What's in a Judgment? Reflections on res judicata, jurisdiction and ECJ's activism
AZCÁRRAGA MONZONÍS, Carmen	New Developments in the Scope of Free Movements of Public Documents in the European Union
SERRANO, Giuseppe	Private enforcement of administrative acts adopted by a foreign competition authority: a PIL perspective

DOWERS, Neil	Underpinning the internal market: the doctrine of mutual trust, the fundamental freedoms, and European private international law
GILLIES, Lorna	Assessing the Role of Public Policy and the Utility of Jurisdiction and Choice of Law Rules for the Effective Return of Cultural Property Objects Unlawfully Removed from a Member State

### **Group 8 - COMPANY LAW & FINANCE**

MUCCIARELI, Federico Maria	Company's private international law in the 21st Century: dealing with complexity
WINSHIP, Verity	Jurisdiction Over Corporate Groups
Yüksel, Burcu	The Choice of Law Aspects of International Funds Transfers
WAHAB, Mohamed S. Abdel	The Law Governing Public Private Partnership Agreements: Between Party Autonomy and Overriding Regulatory Policies
AKSELI, Orkun	Assignment of Receivables and the Conflict of Laws

**13.30 - 15.00 Lunch (a short guided visit to "La Corrala" will be available at 14.30)**

**15.00 - 16.30 Panels**

### **Group 9 - SUCCESSION**

Yatsunami, Ren	Characterization of Trust in Consideration of Neighboring Legal Relationships
HOLLIDAY, Jayne	Habitual residence: room for improvement?

PERONI, Giulio	From the principle of unity to the principle of divisibility of the patrimony: new tendencies in international private law
NAGY, Csongor Itsván	The functions of party autonomy in international family and succession law - an EU perspective
WYSOCKA-BAR, Anna	Modification and revocation of professio iuris under the EU Succession Regulation

## **Group 10 - CONTRACTS**

RESZCZYK	Law applicable to voluntary representation
Van Hoek, Aukje	Private international law for cross-border posting of workers: one union, many models of protection
ÁLVAREZ ARMAS, Eduardo	Private International Law and the rights of air and sea passengers in the EU: A puzzle and a lock in the access to justice.
POLIDO, Fabricio	Critical interactions between Private International Law and the Vienna Convention on Contracts for the International Sale of Goods of 1980 - CISG: A view from the Brazilian legal environment
ÖZGENC, Zeynep	Choice of Law in contract of affreightment: the approach of Turkish private international law.

## **Group 11 - BRUSSELS I RECAST - JURISDICTION**

CAMPUZANO DÍAZ, Beatriz	The scope of application of the rules on jurisdiction after the recast of Brussels I Regulation
MIGLIO, Alberto	The Recast of Brussels I and Jurisdiction Over Third State Defendants
HERRANZ BALLESTEROS, Mónica	Law applicable to choice of court agreements in Brussels I Recast
SÁNCHEZ DÍAZ, Sara	Choice of court agreements: Brussels I Regulation Recast

AÑOVEROS TERRADAS, Beatriz	Collective Redress and Consumer Protection in Europe
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## Group 12 - JURISDICTION & ENFORCEMENT

ARZANDEH, Ardavan	Spiliada: An unpredictable doctrine?
TARMAN, Zeynep Derya	Jurisdiction Turkish courts
KEYES, Mary & MARCHALL, Brooke	<i>Potestativité</i> and party autonomy
DARIESCU, Cosmin	When Forum non Conveniens objection can be invoked before Romanian Courts?
Ozcelik, Gulum	Public Policy Intervention in the Recognition and Enforcement of Foreign Judgments: Turkish Perspective

## 16.30 - 17.00 Coffee Break

## 17.00 - 18.30 Panels

## Group 13 - TORTS- APPLICABLE LAW

Grusic, Ugljesa	Regulating the Environment and Private International Law
ERKAN, Mustafá	Product Liability in Turkish Private International Law: Is Turkey Looking Towards the Rome II Regulation?
BRIGHT, Clair	Civil Liability for Corporate Human Rights Abuse; The issue of extraterritorial jurisdiction
Sousa Gonçalves, Anabela Susana de	The General Rules of the EU Regulation No 864/2007 (Rome II)
PITEL, Stephen & HARPER, Jesse	The Law Governing Tort Claims: Twenty Years of the <i>Lex Loci Delicti</i>

## **Group 14 - INSOLVENCY**

HEREDIA CERVANTES, Iván	Arbitral agreements and arbitral procedures in the Insolvency Regulation.
PENADÉS FONTS, Manuel	Conflict of laws to solve laws in conflict: Balancing cross- border insolvency and international arbitration.
McCORMACK, Gerard	Reforming the European Insolvency Regulation - changing what is on the menu
GUANJIAN Tu, andXiaolin Li	Cross-Border Bankruptcy: A Call and A Suggestion for Cooperation within China

## **Group 15 - SALES/CESL**

HEIDEMANN, Maren	Choice of law under the proposed Common European Sales Law
PORCHERON, Delphine	Unification of substantive rules and private international law: a study of their relationship through the example of the Common European Sales Law
RUIZ ABOU NOGM, Verónica	Designing Ways Forward: Lateral Thinking, Private International Law and the Common European Sales Law'
Strecker, Sophie & BERRY, Elspeth	Rome I, Party Autonomy and the Choice of Non-State Law: Difficulty or Opportunity?
SÜRAL, Ceyda	Conflict of laws rules: a barrier before the application of Unidroit principles or not?

**20.30 Conference Dinner in Pabellón de los Jardines de Cecilio Rodríguez  
(El Retiro)**

**Friday 13<sup>th</sup> September 2013**

**9.30 -11.00 Plenary session I RECOGNITION & ENFORCEMENT**



### Chair: Francisco J. Garcimartín Alférez

GASCÓN INCHAUSTI, Fernando	The abolition of exequatur proceedings in the “new” Brussels Regulation
TUO, Chiara E.	The re-evaluation of foreign judgments under EU Regulation 1215/12: between prohibitions and mutual trust
LEHMANN, Matthias	A System sui generis? Res judicata effect of Member State Judgments in the European Union
BEAUMONT, Paul & WALKER, Lara	Recognition and Enforcement of Judgments in Civil and Commercial Matters: Lessons from Brussels for the Hague
OPPONG, Richard Frimpong & NIRO, Lisa	Recognition and Enforcement of Judgments of <i>International Courts</i> in National Courts: Emerging Jurisprudence and Challenges Ahead

### 11.15 -11.45 Coffee break

### 11.45 - 13.15 Plenary session II CONTRACTS & TORTS

### Chair: Pedro A. De Miguel Asensio

LEIN, Eva	Extending Jurisdiction under Art 5(3) Brussels I Regulation to Accomplices?
DANOV, Mihail	Private Antitrust Litigation and Private International Law in a Global Context
TERAMOTO, Shinto & Jur?ys Paulius	IP Intermediaries In Conflict Of Laws: A Social Network Perspective
ALBORNOZ, M <sup>a</sup> Mercedes	The internet and private international law of contracts
OREJUDO PRIETO DE LOS MOZOS, Patricia	PIL matters relating to crowdfunding
MÄSCH	Agency and conflict of laws

**13.30 - 15.00 Lunch**

**15.00 -16.30 Plenary session III GLOBAL LITIGATION**

**Chair: Paul Beaumont**

PERTEGÁS, Marta & Teitz, L.E.	The benefits of regional and global litigation instruments for foreign trade and investment
CHILDRESS, Donald Earl	Transnational litigation and PIL
GROSSE RUSE- KHAN, Henning	A conflict of laws approach to competing rationalities in international law. The Case of Plain Packaging between IP, Trade, Investment and Health
UBERTAZZI, Benedetta	Private International Law before the International Court of Justice
MAHER, Gerard & RODGER, Barry	Countries, States, and Legal Systems: An International Private Law Perspective
TANG, Zheng Sophia	Corruption in International Commercial Arbitration—Special Conflict of Laws Challenges

**16.30 -17.00 Coffee Break**

**17.00 -18.00 Conference by A.G. Pedro Cruz Villalón**

**18.00 - 18.30 Concluding remarks and closing words by P. Beaumont**