DSK Asserts Immunity in American Civil Lawsuit

See this post of Julian Ku over at *Opinio Juris*.

Galgano & Marrella, Diritto del Commercio Internazionale, III ed.

The Italian publisher house CEDAM has recently published the third edition of the leading textbook on International Business Law in the Italian language, "Diritto del commercio internazionale", authored by *Prof. Francesco Galgano* (emeritus at the University of Bologna) and *Prof. Fabrizio Marrella* ("Cà Foscari" University of Venice and Université de Paris I – Panthéon Sorbonne).

A presentation has been kindly provided by the authors (the complete TOC is available here):

> *The book aims at a comprehensive coverage of the legal issues global business managers face. Focusing on the trade, licensing and investment life-cycle that many domestic -new to international- and multinational organizations experience, it provides the necessary understanding of legal issues concerning import-export, market-entry strategies, protecting and licensing intellectual property to learning the special challenges of international investment operations. The third edition is updated to the most significant developments in the field such as: the Lisbon Treaty; Regulation Rome I on the law applicable to contractual obligations and Regulation Rome II on the law applicable to non contractual obligations. In addition, it offers updated information on, inter alia, the Unidroit Principles on International Commercial Contracts (2010); the new UCP 600 (the Uniform Customs and Practice for Documentary Credits, i.e. a set of rules on the issuance and use of letters of credit utilised by bankers and commercial parties in more than 175 countries in trade finance); INCOTERMS*

2010; payment modalities, contracts of carriage and new ICC rules for demand guarantees. A special emphasis is given to arbitration as the main tool for dispute resolution in the international business world.

Title: Diritto del Commercio Internazionale, III edition, by *Francesco Galgano* and *Fabrizio Marrella*, CEDAM, Padova, 2011, XXXII-986 pages.

ISBN: 978-88-13-29966-8. Price: EUR 65.

Conference Announcement

On October 21, 2011, internationally renowned arbitrator Gary Born (also GAR Advocate of the Year 2010 and author of the OGEMID Book of the Year in both 2009 and 2010) leads an international group of experts in a frank discussion of issues that can arise when parties combine litigation tactics with international commercial arbitration. The symposium, entitled "Border Skirmishes: The Intersection Between Litigation and International Commercial Arbitration," will be held at the award-winning Center for the Study of Dispute Resolution at the University of Missouri School of Law. Associated events include a works-in-progress conference where authors discuss their current research with other specialists and a student writing competition sponsored by the Chartered Institute of Arbitrators (CIArb) North American Branch. The registration fee for the symposium, including an "early bird" session concerning the new ICC Rules of Arbitration, is $50, and registration is available online. The symposium is co-sponsored by the CIArb North American Branch with additional support from the American Society of International Law, the ABA Section of International Law and Transnational Dispute Management. For more information on all events, see http://www.law.missouri.edu/csdr/symposium/2011/ or contact Professor S.I. Strong at strongsi@missouri.edu.

Article on Global Class Actions in Canada

Associate Professor Tanya Monestier of the Roger Williams University School of Law has written an article on the willingness of Canadian courts to hear class actions involving a global plaintiff class. It is entitled “Is Canada the New ‘Shangri-La’ of Global Securities Class Actions?” and is forthcoming in 2012 in the Northwestern Journal of International Law and Business. The article is available here from SSRN.

The abstract reads:

> *There has been significant academic buzz about Silver v. Imax, an Ontario case certifying a global class of shareholders alleging statutory and common law misrepresentation in connection with a secondary market distribution of shares. Although global class actions on a more limited scale have been certified in Canada prior to Imax, it can now be said that global classes have “officially” arrived in Canada. Many predict that the Imax decision means that Ontario will become the new center for the resolution of global securities disputes. This is particularly so after the United States largely relinquished this role last year in Morrison v. National Australia Bank.*
>
> *Whether Imax proves to be a meaningful precedent or simply an aberration will largely depend on whether the court dealt appropriately with the conflict of laws issues at the heart of the case. No author has yet addressed the conflict of laws complications posed by the certification of global class actions in Canada; this Article seeks to fill that void. In particular, I use the Imax case as a lens through which to canvass the conflict of laws issues raised by the certification of global classes. I look at the difficult questions of jurisdiction simpliciter, recognition of judgments, choice of law, parallel proceedings, and notice/procedural rights that need to be addressed now that global classes have come to Canada.*

Cyprus Workshop on the Brussels I Reform and on Collective Redress

On Friday 30 September, the University of Cyprus will host a workshop on International Developments in International Commercial Litigation. There will be two workshops respectively on "the Revision of the Brussels I Regulation" and "A European Regime for Collective Redress". This event is sponsored by the European Commission under the Framework Programme on Judicial Cooperation in Civil Matters.

The chairs and speakers include Profs. Fichard Fentiman, Horatia Muir Watt, André Potocki, Miron Nikolatos, Nikitas Hatzimihail, Arnaud Nuyts, Louise Ellen Teitz, Michael Hellner, Maciej Szpunar, Michael Karayanni, Joaquim Forner, Anna Gardella, Garyfalia Athanassiou, Lukasz Gorywoda.

The programme can be found here.

Sciences Po PILAGG Workshop Series, Fall 2011 (updated)

The workshop on « Private International Law as Global Governance » at the Law School of the Paris Institute of Political Science (*Sciences Po*) will normally take place on Fridays at 12:30 pm, at the Law School.

The speakers for the fall 2011 will be:

- 21st October: Launching PILAGG (Horatia Muir Watt & Diego Fernandez

Arroyo: introduction to the PILAGG research project)

- 28th October: Launching PILAGG Junior Stream (Ivana Isailovitch: "Recognition and legal pluralism")
- 17th November (exceptionally a *Thursday*): Robert WAI, "Private v. Private: Models of Private Governance in Private International Law" (salle B404 au 56, rue des St Pères).
- 18 November co-sponsoring with the Ecole Doctorale de Sciences po: Kerry Rittich, Robert Wai, Horatia Muir Watt: "Tools for distributional analysis in law"
- 25th November: Veronica CORCODEL, "What room for comparative law in the governance debate?" (PILAGG Junior Stream)
- 29th November (exceptionally a *Tuesday*, co-sponsoring with "Les Grands Récits de la Pensée Juridique"): Marty KOSKENNIEMI
- 2nd December Harm SCHEPEL, "Rules of recognition: A legal constructivist approach to transnational private governance".
- 9th December: Ralf MICHAELS, "Post-critical Private International Law: From Politics to Technique"
- 16th December: Tomaso FERRANDO: "Sovereignty abuse, homogeneization of legal orders and land grabbing" (PILAGG Junior Stream)

Where: unless otherwise announced, Law School, 13 rue de l'Université 75007, J210 2nd floor.

When: 12:30 to 14:30pm

Please register at the following address: diego.fernandezarroyo@sciences-po.org

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Conference on Party Autonomy in the Conflict of Laws

On 26 September 2011, the Center for Transnational Litigation and Commercial Law at New York University Law School will host a talk by

Professor Jürgen Basedow, Director of the Max Planck Institute for Comparative and International Private Law and Professor of Law at the University of Hamburg, on “A Theory of Party Autonomy in the Conflict of Laws”.

> *A century ago, authors on both sides of the Atlantic would reject the parties’ ability to choose the law applicable to a contract. Such choice was considered to be a legislative act reserved to the state. The private persons were perceived as being governed by the law, not as determining the governing law. A hundred years later party autonomy is almost generally acknowledged as the primary method of finding the law applicable to a contract. And it is progressively recognized in further areas of the law, too: for torts, matrimonial property regimes, divorce, maintenance etc. Yet, the theoretical foundation for this fundamental change remains elusive. How is it then possible to convince the lawmakers of those countries that have not yet implemented party autonomy? A theory of party autonomy has to explain the consistency of our own law in order to convince others. Departing from a comparative survey over party autonomy in modern legislation, Professor Basedow will deal with the main objections against the freedom to elect the applicable law. He will then outline a theoretical approach that is essentially based on the origin of state and law as described by the political philosophy of the Enlightenment and that is reflected by the modern developments of human rights.*

The event will take place at NYU Law School in Room 214, Furman Hall 900, 245 Sullivan Street, New York, NY 10012, 6.15-8.00 pm.

H/T: Déborah Lipszyc

Second Circuit Vacates…: Link to Decision

Following Gilles’ post: see here.

Skopje Conference on impact of EU PIL on local laws

The conference "**Recent trends in European Private International Law – Challenges for the national legislations of the South East European countries**" is held in Skopje, Macedonia on 24 September 2011. This is the 9th conference in the series of regional private international law conferences, the most recent being announced here. This conference will gather number of private international lawyers who prepare to discuss questions related to impact the European Union codifications in the field have on their national laws as well as issues that arise in the context of European integration. The program is below:

9:00 am to 9:45 am Registration of the participants
9:45 am to 10:00 am Opening of the conference
10:00 am to 11:15 am **I panel** General issues of private international law

Mirko Zivkovic, PhD, University Nis

Discussion

11:15 am to 11:30 am Coffee break

11:30 am to 1:00 pm **II panel** Integration of EU PIL into national PIL codifications of the region (conflict of laws)

Zlatan Meskic, PhD, University of Zenica
"Integration of EU Private International law into national PIL codifications of the region"

Mirela Župan, PhD, University of Osijek
"Normiranje mjerodavnog prava za osobno ime – novina budu?eg hrvatskog Zakona o me?unarodnom privatnom pravu" / "Regulating cross border personal name issues – novelty of new Croatian PIL code "

Ivana Kunda, PhD, University of Rijeka

“Intellectual Property Contracts in EU Conflict of Laws”

Discussion

1:00 pm to 2:00 pm Lunch at University Restaurant

2:00 pm to 3:45 pm **III panel** Integration of EU PIL into national PIL codifications of the region (influence of EU civil procedure)

Ales Galic, PhD, University of Ljubljana
“Uredba Brisel 1 – temelj evropskog gra?anskog procesnogprava / The Brussels I Regulation – the Cornerstone of the European Civil Procedure”

Vesna Lazic, PhD, University of Utrecht
“The Commission’s Proposal to Revise the EC Jurisdiction Regulation: the amendment of the lis pendens rule and of the arbitration exception”

Evangelos Vassilakakis, PhD, Aristotle University Thessaloniki
“The Unification of European Procedural Law and its Impact on Agency and Distributorship Agreements”

Vesna Tomljenovic, PhD, University of Rijeka
“Forum of necessity – novelty in the new Croatian PIL Act”

Jasmina Alihodzic, PhD, University of Tuzla
“Pravila o me?unarodnoj nadležnosti kod pojedina?nih ugovora o radu u pravu Evropske unije i Bosne i Hercegovine” / “International jurisdiction for individual employment contracts in EU and Bosnia and Herzegovina”

Gjorgje Krivokapic LLM, University of Belgrade, and Ugljesa Grusic LLM, London School of Economics
“Zasto Srbija treba da pristupi Haskoj konvenciji o sporazumima o nadleznosti suda?” / “Why should Serbia access Hague Choice of Court Convention?”

Sanja Marjanovic, PhD, University of Nis,
“Jurisdikcioni imunitet strane drzave izmedju unutrasnjeg i medjunarodnog prava” / “Jurisdictional immunity of a foreign state – between domestic and international law”

Apostolos Anthimos, PhD, Panelist at the CAC for .eu ADR, Greece

Online Dispute Resolution – The .eu ADR Paradigm

Discussion

3:45 pm to 4:00 pm Coffee break

4:00 pm to 4:45 pm **IV panel** Conflict of laws on property

Slavko Djordjevic, PhD, University of Kragujevac
“Merodavno pravo za stvarnopravne odnose sa elementom inostranosti – de lege lata i de lege ferenda” / “Determining applicable law for Property Relations with foreign element – de lege lata and de lege ferenda”

Discussion

4:45 pm to 5:15 pm

Christa Yesell Holst, GIZ
“Support to development of draft laws and model solutions in the field of Private International Law (Closing of the component)”

5:15 pm Closing of the conference

8:30 pm Dinner at National Restaurant “Dukat”

Second Circuit Vacates Anti-Enforcement Injunction in Chevron

Here.