Van Den Eeckhout on Private International Law and Globalisation

Written by Veerle Van Den Eeckhout

In February 2017, the working paper "Internationaal privaatrecht in tijden van globalisering. "Neutraal" internationaal privaatrecht!?") of Veerle Van Den Eeckhout was posted on ssrn. This paper was written in Dutch.

Meanwhile, an English, slightly extended version of the paper ("Private International Law in an Era of Globalisation. "Neutral" Private International Law? I could be brown, I could be blue, I could be violet sky") has been made available.

The abstract reads as follows: "In times of (discussions about) globalisation, due attention must be given to the operation of rules of private international law. Examination of the ongoing developments in private international law itself and in private international law in its interaction with other disciplines from the perspective of "protection of weak parties" and "protection of planetary common goods" allows carrying out the analysis to which current developments invite."

The English paper can be found here.

China has signed the Choice of Court Convention

More (not much more) information is here. Guangjian Tu provided a Chinese perspective on the Convention ten years ago. Two other recent publications are in this context: Zheng Sophia Tang and Alison Lu Xu on Choice of Court Agreements in Electronic Consumer Contracts in China, and King Fung Tsang, Chinese Bilateral Judgment Enforcement Treaties, 40 Loy. L.A. Int'l. & Comp. L. Rev. 1

(2017) (only on heinonline).

Focus Latin America: International Conflicts and Legal Order — Conference in Hamburg, 6-7 October 2017

On the occasion of the 80th birthday of *Jürgen Samtleben*, a Symposium will be held on 6 and 7 October 2017 at the Max-Planck-Institute in Hamburg, under the title: ***Focus Latin America — International Conflicts and Legal Order***.

There will be presentations in German, Spanish, and Portuguese.

Registration is free, and due until **15 September 2017**, through e-mail: veranstaltungen@mpipriv.de.

The program is available here.

A Private International Law Comparative and Prospective Analysis of Sino-European

Relations

The Center of Legal Studies on Efficiency of the Contemporary Law Systems (Cejesco – University of Reims) organizes a conference at the Faculty of Law on **13 September 2017** on the evolution of Law in China.

In this occasion, the book "International Sale of Goods – A Private International Law Comparative and Prospective Analysis of Sino-European Relations" (N. Nord and G. Cerqueira, Springer, 2017) will be presented to the academic community.

Topics and speakers:

The Evolution of the Law in China – Nicolas Nord, Associate Professor, University of Strasbourg

Book Comments – Cyril Nourissat, Professor, University Jean Moulin – Lyon 3.

The conference will be chaired by Gustavo Cerqueira, Associate professor, University of Reims.

For further information on the conference: https://univ-droit.fr/actualites-de-la-recherche/manifestations/24173-l-evolution-du-droit-en-chine

For further information on the book: http://www.springer.com/us/book/9783319540351

Private International Law in Film

Can we teach private international law through film? Yes we can, and not only through Green Card. Three sources in Spanish provide ample material, including some for non-Spanish speakers.

The first, most comprehensive and academic one, comes from the Proyecto DeCine, a network of Spanish law professors interested in teaching law through film. The result is a fabulous book full with detailed didactic materials on different films, which is also available for free online. Several of the films discussed are in English or exist in translation.

The second source, a series of blog posts by Angel Espiniella Menéndez, professor for private international law at the University Oviedo, provides valuable recommendations, organized by subject matter, in monthly instalments. So far, he has provided five: person and capacity, protection of minors, parentage, marriage, and breakdown of marriage. Hopefully, more are coming

Finally, MillenniumDiPR.com provides a rather eccentric list of ten private international law related movies with some unexpected themes: Titanic for international family law, The Martian for conflicts with Martian law, etc. Only for the daring.

But all of this is in Spanish. Who has recommendations in other languages? Or who writes the guide in English?

HCCH Note on the concept of "purposeful and substantial connection" of the February 2017 draft Convention of the Judgments Project

The Permanent Bureau of the Hague Conference on Private International Law (HCCH) has just issued a Note on the concept of "purposeful and substantial connection" in Article 5(1)(g) and 5(1)(n)(ii) of the February 2017 draft Convention of the Judgments Project for the attention of the *Special Commission*

meeting of November 2017 on the Recognition and Enforcement of Foreign Judgments. The February 2017 draft Convention is available here.

This Note was prepared by **Professor Ronald A. Brand** and **Dr Cristina M. Mariottini**. Professor Geneviève Saumier provided comments.

Article 5(1)(g) and 5(1)(n)(ii) reads as follows:

Article 5(1)

"A judgment is eligible for recognition and enforcement if one of the following requirements is met" – […]

(g)

"[T]he judgment ruled on a contractual obligation and it was given in the State in which performance of that obligation took place, or should have taken place, in accordance with

(i) the parties' agreement, or

(ii) the law applicable to the contract, in the absence of an agreed place of performance

unless the defendant's activities in relation to the transaction clearly did not constitute a **purposeful and substantial connection to that State**;" (our emphasis)

(n)(ii)

"[T]he judgment concerns the validity, construction, effects, administration or variation of a trust created voluntarily and evidenced in writing, and – […]

(ii) the law of the State of origin is expressly or impliedly designated in the trust instrument as the law governing the aspect of the trust that is the subject of the litigation that gave rise to the judgment[, unless the defendant's activities in relation to the trust clearly did not constitute a **purposeful and substantial connection to that State**];" […] (our emphasis)

Other information relating to the meeting is available at https://www.hcch.net/en/projects/legislative-projects/judgments/special-commissi

on.

Please note that the meeting above-mentioned is open only to delegates or experts designated by the Members of the Hague Conference, invited non-Member States and International Organisations that have been granted observer status.

5th Petar Sarcevic Conference on Information and Data



The good tradition of the biannual Petar Sarcevic conferences is being continued this year with the 5th conference titled **Information and Data: The Road Ahead**. It will take place in a beautiful Croatian coastal tourist and conference resort Opatija, on 6 and 7 October.

This two-day event will provide ample oportunities for the professionals and scholars to discuss current issues of protection of confidential information, business secrets and personal data in the context of technological advancement and resulting economic and social developments. The conference is divided into three sessions:
– Protection of confidential information v access/disclosure
– Managing data protection: A tall order for controllers and subjects
– Litigation in the midst of economic and technological changes.
The wast range of speakers includes members of the judiciary (EU and national), representatives of the executive branch, leading lawyers and prominent academics.

For additional information about the conference, programme, speakers, venue and special early-bird rates expirying on 10 September please consult the

conference webpage.

Job Vacancy: Ph.D. Position/Teaching Fellow at Leuphana Law School, Lüneburg (Germany)

Leuphana Law School is looking for a highly skilled and motivated Ph.D. candidate and fellow (wissenschaftliche/r Mitarbeiter/in) on a part-time basis (50%) as of 1 December 2017.

The successful candidate holds a first law degree (ideally the First State Exam (Germany) or LL.M. (UK)/J.D. (USA)/similar degree) and is interested in private international law, international economic law, and intellectual property law—all from a comparative and interdisciplinary perspective. A very good command of German and English is expected; good IT skills are required.

The fellow will be given the opportunity to conduct his/her own Ph.D. project (under the faculty's regulations). The position is paid according to the salary scale E-13 TV-L, 50%. The initial contract period is three years, with an option to be extended. The research fellow will conduct research as part of the unit led by Professor Dr. Tim W. Dornis (Chair in Private Law, International Private and Economic Law, and Comparative Law) and will have an independent teaching obligation (2 hours/week).

If you are interested in this position, please send your application (cover letter, CV, and relevant documents) by 4 October 2017 to

Leuphana Universität Lüneburg

Personalservice, Corinna Schmidt

Kennwort: **WiMi Rechtswissenschaften**

Universitätsallee 1

21335 Lüneburg

bewerbung@leuphana.de

Leuphana University is an equal opportunity employer.

The job advert in full detail is accessible here

Bolivia joins the Hague Apostille Convention

Today (6 September 2017) Bolivia joined the *Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents* (Apostille Convention). With the accession of Bolivia, the Apostille Convention now has 115 Contracting Parties. The Apostille Convention will enter into force for Bolivia on 7 May 2018.

Four out of the last five States that have joined the Apostille Convention since December 2015 have been from the Americas (Brazil, Chile, Guatemala and Bolivia). The Apostille Convention has already entered into force for Brazil and Chile and will enter into force for Guatemala on 18 September 2017.

There are 5 States that are yet to join the Apostille Convention from the Americas: Canada, Cuba, Guyana, Haiti and Jamaica.

For more information visit https://www.hcch.net/en/news-archive/details/?varevent=568. The full list of Contracting Parties is available here.

For the First Time, a Chinese Court Recognizes and Declares Enforceable a US Monetary Judgment

Jie Huang from the University of New South Wales provides more information and commentary. Some further information and background from Don Clarke is here.