Book: Free movement of judgments and fair trial in the EU

The book Free Movement of Civil Judgments in the European Union and the Right to a Fair Trial (T.M.C. Asser Press/Springer, 2017), authored by Monique Hazelhorst, has just been published. It is the commercial edition of a PhD thesis succesfully defended at Erasmus School of Law (Rotterdam).

This book examines the attainment of complete free movement of civil judgments across EU member states from the perspective of its conformity with the fundamental right to a fair trial. In the integrated legal order of the European Union, it is essential that litigants can rely on a judgment no matter where in the EU it was delivered. Effective mechanisms for cross-border recognition and the enforcement of judgments provide both debtors and creditors with the security that their rights, including their right to a fair trial, will be protected. In recent years the attainment of complete free movement of civil judgments, through simplification or abolition of these mechanisms, has become a priority for the European legislator.

The text uniquely combines a thorough discussion of EU legislation with an in-depth and critical examination of its interplay with fundamental rights. It contains an overview and comparison of both ECtHR and CJEU case law on the right to a fair trial, and provides a great number of specific recommendations for current and future legislation.

With its critical discussion of EU Regulations from both a practical and a theoretical standpoint, this book is particularly relevant to legislators and policymakers working in this field. Because of the extensive overview of the functioning of the EU's mechanisms and of relevant case law it provides, the book is also highly relevant to academics and practitioners.

More information is available here.

Out now: T.W. Dornis, Trademark and Unfair Competition Conflicts –

Historical-Comparative, Doctrinal, and Economic Perspectives, Cambridge University Press, 2017 (696 pages). (also available as Open-Access Resource on Cambridge Core)

Professor Tim W. Dornis (Leuphana Law School) has authored a book on trademark and unfair competition conflicts that has been released by Cambridge University Press a few weeks ago.

The official abstract kindly provided by the publisher reads as follows:

With the rise of internet marketing and e-commerce around the world, international and cross-border conflicts in trademark and unfair competition law have become increasingly important. In this groundbreaking work, Tim Dornis – who, in addition to his scholarly pursuits, has worked as an attorney, a public prosecutor, and a judge, giving him experience in both civil and common-law jurisdictions – presents the historical-comparative, doctrinal, and economic aspects of trademark and unfair competition conflicts law. The book should be read by any scholar or practitioner interested in the international aspects of intellectual property generally, and trademark and unfair competition law specifically. This title is available as Open Access.

Further information is available on the publisher's website:

http://admin.cambridge.org/academic/subjects/law/intellectual-property/trademark-and-unfair-competition-conflicts-historical-comparative-doctrinal-and-economic-perspectives?format=HB

Job Vacancy: PhD Position/Fellow at the University of Bonn, Germany

The Institute for Private International and Comparative Law, University of Bonn, Germany, is looking for one highly skilled and motivated PhD candidate and fellow (Wissenschaftliche/r Mitarbeiter/in) on a part-time basis (50%) as of 1 June 2017.

The successful candidate holds a first law degree (ideally the First German State Examination) and is interested in the international dimensions of private law, in particular private international law, European law and/or comparative law. 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 PhD project (according to the Faculty's regulations). The position is paid according to the German public salary scale E-13 TV-L, 50% (about 1300 Euro net per month). The initial contract period is two to three years, with an option to be extended. Responsibilities include supporting the Institute's director, Professor Dr Matthias Lehmann, in his research and teaching as well as independent teaching obligations (2 hours per week during term time).

If you are interested in this position, please send your application (cover letter in German; CV; and relevant documents and certificates, notably university transcripts and a copy of law degree) to lehrstuhl.lehmann@jura.uni-bonn.de by April 10, 2017. The University of Bonn is an equal opportunity employer.

The job advert in full detail is accessible here.

Brexit: An Opportunity for Frankfurt to Become a New Hub of Litigation in Europe?

On March 30, 2017, the Minister of Justice of the Land Hessen (Federal State of Hesse), Eva Kühne-Hörmann, will organise a conference in Frankfurt to present the „Justizinitiative Frankfurt“ (Justice Initiative Frankfurt). This initiative was launched by Professor Hess (MPI Luxembourg for Procedural Law), Professor Pfeiffer (Heidelberg University), Professor Duve (Freshfields Bruckhaus Deringer) and Professor Poseck (President of the Frankfurt Court of Appeal). It suggests strengthening the regional and the higher regional courts in order to attract more financial disputes to Frankfurt. The initiative envisages both organisational and procedural improvements in order to raise the attractiveness of the courts in Frankfurt. The government of Hessen has endorsed the proposals which will be presented and discussed at the conference. The programme of the conference, together with a registration form (to be sent the 24 March at the latest), can be found here.

Venue: Foyer des Präsidialgebäudes der Goethe-Universität Frankfurt am Main, Campus Westend, Theodor-W.-Adorno-Platz 1, 60323 Frankfurt am Main.

The second meeting of the Special Commission charged with preparing the future Hague Convention on judgments

The Special Commission set up by the Council on General Affairs and Policy of the Hague Conference on Private International Law to prepare a preliminary draft

convention on the recognition of judgments in civil and commercial matters (the Judgments Project) met for the second time between 16 and 24 February 2017.

Building on the draft text elaborated in 2016, the Special Commission completed a new draft (the February 2017 draft Convention), which should form the basis for a new round of discussions in November 2017.

Thank you, Martin, for 10 years of conflictoflaws.net!

Dear Martin, dear all,

We would like to take the opportunity and thank you, Martin, very much for setting up and taking care of the blog for more than 10 years! Under your supervision the blog has developed into one of the leading and most influential platforms in the field of conflict of laws and this is a great achievement.

We also thank you and the other editors for entrusting us with the responsibility for this blog, and we will certainly try to continue its success story in close cooperation with all editors and readers. We will keep you posted on how we will proceed in the future and hope for your continued support and input.

Giesela and Matthias

Private International Law in an

Era of Globalisation (paper)

A short working paper by Veerle Van Den Eeckhout on Private International Law in an Era of Globalisation has been published on SSRN. It is written in Dutch.

The English 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.

Conflictoflaws.net is back!

We’re very sorry for our disappearance over the last week or so, and we’re grateful to those of you who alerted members of our team to the problems in accessing the site. As it transpired, the problem was quite a serious one, and it has involved a great deal of fuss and bother to resolve it. But we are now back, and we’re back for good.

Those technical problems, however, have also highlighted the need for conflictoflaws.net to be cared for properly, which I no longer have the time to do. I created this website back in April 2006, with the simple aim of keeping up-to-date on a large and complex subject that I was researching as a postgrad. Since then, the site has grown beyond all measure, and that really is down to the core of committed scholars who keep the content interesting and useful for us all. It is time that we allowed other colleagues to steer the future of this website, and take it forward into the next decade. I’m very pleased to say that Giesela Rühl and Matthias Weller have offered to take on that responsibility, and I wish them every

success. I shall be cheering them on from the sidelines as, like all of you, I will remain an avid reader of conflictoflaws.net.

All the best, Martin George

Coming soon: "Conflict of Laws – A Comparative Approach" by Gilles Cuniberti

Professor *Gilles Cuniberti* (University of Luxembourg) has authored a casebook entitled "Conflict of Laws – A Comparative Approach" which will be released this month by Edward Elgar Publishing.

The official abstract kindly provided by the publisher reads as follows:

> "The Conflict of Laws, also known as private international law, is a field of the greatest importance in an increasingly globalized world. The analysis of any legal issue, in a case involving more than one country, must start with an assessment of which court could potentially hear the case and which law it would apply.
>
> Contrary to other manuals or casebooks, which focus on the law of one jurisdiction, this innovative casebook offers a comparative treatment of the field. On each issue, materials from several jurisdictions are discussed and compared. The approach centers on comprehending the common principles of the field, but also highlights the fundamental differences. The goal is to train lawyers who not only will know the law of their own jurisdiction, but also will have an understanding of the key differences existing between the main models, and will thus be able to interact usefully with clients from other jurisdictions.

This casebook systematically presents and compares the laws of four jurisdictions: the United States, the European Union, France and England (where left untouched by EU harmonization). It offers additional insight into rules applicable in China and Japan and also discusses remarkable solutions adopted in a wide range of jurisdictions such as Italy, Germany, the Netherlands, Canada and Tunisia. All materials from non-English speaking jurisdictions have been translated into English.

Key features of the casebook:
• written by a leading authority in the field
• carefully selected extracts from primary and secondary sources build a clear picture of the field
• expert analytical commentary and questions set the extracts in context
• US, EU, French and English perspectives integrated throughout the text to ensure maximum relevance and encourage students to make comparative assessments
• numerous references to Chinese and Japanese solutions
• leads students through the field from beginning to end
• perfectly pitched for international students and courses with a global outlook."

Further information, including a table of contents, is available on the publisher's website.

FOREIGN DIRECT INVESTMENT & THE RULE OF LAW: Call for proposals

CALL FOR PROPOSALS FOR A SPECIAL ISSUE OF *ACTA JURIDICA*

The *Acta Juridica* invites proposals for its special issue: Foreign Direct Investment (FDI) & The Rule of Law. Contributors will be invited to attend a Colloquium to be

held in **Cape Town** on **27 & 28 July 2017** where the research and findings will be presented with the objectives of determining the common and overlapping themes in linking FDI and the Rule of Law in specific areas of law. It is proposed that the outcomes of the colloquium be published in the 2018 Acta Juridica, to be edited by Debbie Collier, Tracy Gutuza and Silindile Buthelezi of the University of Cape Town.

Following the colloquium the contributors will submit the final papers (maximum of 5000 words) to the editors by **02 October 2017**. We are accepting **proposals in the form of 500-750 word abstracts**. The editors will prepare an introductory chapter and if necessary, commission articles to address specific issues. All the papers will be subjected to a double blind peer review process, overseen by the editors. It is expected that the finalised text would be submitted by **November 2017**.

Submission and Review Timeline

- Proposals including tentative contributor list due **03 March 2017**.
- Contributors will be contacted with final determination about submissions by **03 April 2017**.
- First draft manuscripts submissions are due **30 June 2017**.
- Colloquium to be held **27 & 28 July 2017** at the University of Cape Town, South Africa.
- Final draft manuscript submissions are due **02 October 2017**.

The *Acta Juridica* is an annual thematic journal published by Juta Law in conjunction with the Faculty of Law of the University of Cape Town. It is a peer reviewed and edited journal.

In the context of the need to grow the South African economy, the role of, and the need for, FDI as a source of capital and a contributor to economic growth is both acknowledged and contested. A recent collaborative study on the link between FDI and the Rule of Law by, among others, the Bingham Centre for the Rule of Law and the British Institute of International and Comparative Law indicated that the Rule of Law is an important factor in the decision by corporate investors to undertake investment in a foreign jurisdiction. While the above study considered the role of the Rule of Law across a number of jurisdictions, we propose a consideration in the context of FDI in Africa, with a particular emphasis on South

Africa and South African Law, in particular the impact of the Constitution, the legal framework for FDI, and related areas of law including, but not limited to, labour law, tax law, intellectual property law, technology law, international trade law, company law/corporate governance, and competition law. These themes will include the strategic and policy considerations of the particular areas in relation to FDI, the impact of the chosen policy and legislative framework on FDI, the administrative aspects (procedure) of implementing the policy and legislative framework and the impact of FDI.

It is envisaged that the colloquium will consist of three themes: **1. FDI & Economic Growth: Theoretical Perspectives; 2. FDI: International law & Investment Treaties; 3. FDI and the Regulatory Framework in South Africa.** Within these themes, we envisage the following topics (but other proposals are also welcome):

1.What is FDI and when is it desirable?

2.FDI in Africa

3.The link between FDI, the Rule of Law and Economic Development in Economic Theory

4.Bilateral Investment Treaties and FDI relationship through econometric studies: why doinvestors decide to invest

5.International Law protection of foreign investments

6.FDI and Tax Law

7.FDI and Employment Law/Labour standards

8.FDI and Intellectual Property

9.FDI and the Transfer of Technology

10.FDI and Corporate Governance

11.FDI and Regional Development

12.FDI and Transfer Pricing

13.FDI and Competition Law

14.The link between FDI, the Bilateral Investment Treaties and the financial services industry

Proposals should be submitted to the special issue editors: Debbie Collier (debbie.collier@uct.ac.za), Tracy Gutuza (tracy.gutuza@uct.ac.za) or Silindile Buthelezi (silindile.buthelezi@uct.ac.za).