Ebook free Enforcing corporate social responsibility codes on global self regulation and national private law international studies in the theory of private law [PDF]

In this the third edition of private international law and the internet professor dan svantesson provides a detailed and insightful account of what is emerging as the most crucial current issue in private international law that is how the internet affects and is affected by the four fundamental questions when should a lawsuit be entertained by the courts which state s law should be applied when should a court that can entertain a lawsuit decline to do so and will a judgment rendered in one country be recognized and enforced in another he identifies and investigates twelve characteristics of internet communication that are relevant to these questions and then proceeds with a detailed discussion of what is required of modern private international law rules professor svantesson s approach focuses on several issues that have far reaching practical consequences in the internet context including the following cross border defamation cross border business contracts cross border consumer contracts and cross border intellectual property issues a wide survey of private international law solutions encompasses insightful and timely analyses of relevant laws adopted in a variety of countries including australia england hong kong the united states germany sweden and china as well as in a range of international instruments there is also a chapter on advances in geo identification technology and its special value for legal practice the book concludes with two model international conventions on cross border defamation and one on cross border contracts as well as a set of practical check lists to guide legal practitioners faced with cross border matters within the discussed fields professor svantesson s book brings together a wealth of research findings in the overlapping disciplines of law and technology that will be of particular utility to practitioners and academics working in this new and rapidly changing field his thoughtful analysis of the interplay of the developing internet and private international law will also be of great value as will the tools he offers with which to anticipate the future private international law and the internet provides a remarkable stimulus to continue working towards globally acceptable rules on jurisdiction applicable law and recognition and enforcement of judgments for communication via the internet is private international law pil still fit to serve its function in today s global environment in light of some calls for radical changes to its very foundations this timely book investigates the ability of pil to handle contemporary and international problems and inspires genuine debate on the future of the field in spite of the undoubtedly great and rising importance of the international legislative co operation regarding private international law it must be remembered that no successful unification or harmonization of conflict rules has ever taken place on the universal level and that the conflict rules stemming from international legislative co operation between a limited number of countries give rise to the same problems as non harmonized rules whenever they have to be used in relation to countries not participating in the legislative co operation in question this book will therefore focus on the last mentioned problems and refrain from dealing with the particular issues arising from international legislative co operation in the field of private international law one of the principal aims of michael bogdan is to demonstrate the relationship between the national rules of private international law and the rest of the legal system of the forum country in the first place its substantive private law and its law of civil procedure as well as to illustrate the impact of the forum country s general ethical and other values on its private international law lauterpacht sir hersch private law sources and analogies of international law with special reference to international arbitration london longmans green and co ltd 1927 xvx 325 pp reprinted 2002 by the lawbook exchange ltd lccn 2001041399 isbn 1 58477 184 4 cloth 75 a scientific look at the practice of the use of private law for the development of international law lauterpacht expands upon this subject with a useful discussion of international arbitration and international tribunals and refers to numerous cases an english international lawyer of polish birth lauterpacht 1897 1960 offers a conception of his subject shaped by academic research and practical experience he was whewell professor of
international law at Cambridge and a member of the Institute of International Law and the British Academy. He also served as a judge of the International Court of Justice and was a bencher of Gray’s Inn. Walker, The Oxford Companion to Law (716). The Lawbook Exchange has also published a reprint of his other noted work, The Function of Law in the International Community.

The authors list of abbreviations includes:

- General Introduction
- Part I: General Principles
- Choice of Law Technique
- Chapter 1: Sources of PIL
- Chapter 2: Connection
- Chapter 3: Basic Terms

- Part II: Rules of Choice of Law
- Chapter 1: Persons
- Chapter 2: Obligations
- Chapter 3: Law of Property
- Chapter 4: Intangible Property Rights
- Chapter 5: Company Law
- Chapter 6: Family Law
- Chapter 7: Succession Law

- Part III: Annex
- International Civil Procedure (ICP)
- Chapter 1: Sources of ICP
- National Law
- International Conventions

- Chapter 2: The Principle of Lex Fori
- Chapter 3: National Jurisdiction
- Chapter 4: International Jurisdiction
- Chapter 5: Acceptability, Recognition, and Enforcement of Foreign Judgments

The selected bibliography includes:

- European Private International Law: A Modern Approach
- The Brussels I, III, and IV Regulations
- Freedom of Establishment and the Impact of PIL on Corporate Social Responsibility

The book provides a thorough overview of core European private international law, including the Brussels I, II, and III Regulations, jurisdiction applicable law for contracts and tort, while additional chapters deal with the recently adopted Succession Regulation and Insolvency Freedom of Establishment and the impact of PIL on corporate social responsibility. The book is practical as both a student textbook and a general introduction for legal professionals.

Vladimir Cupryszak, Association for International Arbitration, describes it as an excellent overview of European private international law issues, as well as a very helpful introduction to basic concepts of conflicts of laws and jurisdictions.

Professor Stavros Brekoulakis, Queen Mary University of London, describes it as a most useful book, recommending it to his students as a great way to come to terms with the subject.

This book is essential reading for law students in Europe and abroad. It provides a coherent overview of all main elements of European private international law concepts, legal instruments, and practice. Professor Kim Talus, UEF Law School, Finland, describes it as well written, clear, and understandable. It offers excellent value for money.

Dr. Jan Oster, King’s College London, UK, notes that the book brings together academics and private international lawyers from a wide range of jurisdictions and institutions. This volume explores how private international law can best contribute to the development of the global legal architecture needed to integrate our emerging multicultural world society.

This book is the leading reference on Indonesian private international law in English. It covers the whole of Indonesian private international law, including commercial matters, family law, succession, cross-border insolvency, intellectual property, competition, freedom of establishment, and the impact of PIL on corporate social responsibility. It provides a comprehensive overview of Indonesian private international law, covering jurisdiction, applicable law, choice of law, and enforcement, and assesses Indonesian involvement in the harmonisation of private international law.

This book presents the Indonesian conflict of laws through a combination of common and civil law analytical techniques and perspectives, providing readers worldwide with a more profound and comprehensive understanding of the subject. It was originally published as a monograph in the International Encyclopaedia of Laws Private International Law, providing a unique and clearly structured tool.

This book presents an authoritative collection of carefully selected global case studies, some of which are considered global due to their internationally relevant subject matter, whilst others demonstrate the blurring of traditional legal categories in an age of accelerated cross-border movement. It is a comprehensive study of the selected cases in their political, cultural, social, and economic contexts, shedding light on the contemporary transformation of law through its encounters with conflicting forms of normativity and the multiplication of potential fora. Freedom of establishment is one of the four fundamental freedoms of the European Union, and the principle is that natural persons who are European Union citizens and legal entities formed in accordance with the law of a member state and having its registered office central administration or principal place of business within the EU may take up.
economic activity in any member state in a stable and continuous form regardless of nationality or mode of incorporation this book examines the way in which eu law has influenced how national courts in europe assert jurisdiction in cross border corporate disputes and insolvencies and the mechanism which allows them to decide which national law should apply to the substance of the dispute the book also considers the potential for eu member states to compete for devising national corporate and insolvency legislation that will attract incorporations or insolvencies central to the book is the concept of national choice of law in considering the impact of freedom of establishment on private international law for corporations the book uniquely analyses both corporate and insolvency law together presenting the topic in the broadest possible sense importantly the doctrine of abuse in corporate and insolvency law is covered raising the question of forum shopping and regulatory competition which underpins the intersection between freedom of establishment and private international law through examination of the most recent and leading judgments of the european court of justice in centros and cadbury schweppes the book derives certain conclusions as to the operation of the doctrine of abuse and the limits thereof in the context of freedom of establishment being the first in the field to examine the leading ecj cases of inspire art sevic and cartesio regarding the real seat doctrine the book makes the judgment that there is no incompatibility as such between the doctrine and the freedom of establishment ultimately the book analyses to what extent diversity in the corporate and insolvency laws of the member states should be preserved so as to encourage competition between jurisdictions in europe this book provides an authoritative account of the evolution and application of private international law principles in india in civil commercial and family matters through a structured evaluation of the legislative and judicial decisions the authors examine the private international law in the republic and whether it conforms to international standards and best practices as adopted in major jurisdictions such as the european union the united kingdom the united states india s brics partners brazil russia china and south africa and other common law systems such as australia canada new zealand and nepal divided into 13 chapters the book provides a contextualised understanding of legal transformation on key aspects of the indian conflict of law rules on jurisdiction applicable law and the recognition and enforcement of foreign judgments or arbitral awards particularly fascinating in this regard is the discussion and focus on both traditional and contemporary areas of private international law including marriage divorce contractual concerns the fourth industrial revolution product liability e commerce intellectual property child custody surrogacy and the complicated interface of sharia in the conflict of law framework the book deliberates the nuanced perspective of endorsing the hague conference on private international law instruments favouring enhanced uniformity and predictability in matters of choice of court applicable law and the recognition and enforcement of foreign judgments the book s international and comparative focus makes it eminently resourceful for legislators the judges of indian courts and other interested parties such as lawyers and litigants when they are confronted with cross border disputes that involve an examination of india s private international law the book also provides a comprehensive understanding of indian private international law which will be useful for academics and researchers looking for an in depth discussion on the subject a sharp distinction is usually drawn between public international law concerned with the rights and obligations of states with respect to other states and individuals and private international law concerned with issues of jurisdiction applicable law and the recognition and enforcement of foreign judgments in international private law disputes before national courts through the adoption of an international systemic perspective dr alex mills challenges this distinction by exploring the ways in which norms of public international law shape and are given effect through private international law based on an analysis of the history of private international law its role in us eu australian and canadian federal constitutional law and its relationship with international constitutional law he rejects its conventional characterisation as purely national law he argues instead that private international law effects an international ordering of regulatory authority in private law structured by international principles of justice pluralism and subsidiarity no field of legal scholarship or practice operates in the world of private international law as continuously and perversively as does international arbitration commercial and investment alike arbitration s dependence on private international law manifests itself throughout the life cycle of arbitration from the crafting of an enforceable arbitration agreement through the entire arbitral process to the time an award comes before a national court for annulment or for recognition and enforcement thus international arbitration provides both arbitral
tribunals and courts with constant challenges courts may come to the task already equipped with longstanding private international law assumptions but international arbitrators must largely find their own way through the private international law thicket arbitrators and courts take guidance in their private international law inquiries from multiple sources party agreement institutional rules treaties the national law of competing jurisdictions and an abundance of soft law some of which may even be regarded as expressing an international standard in a world of this sort private international law resourcefulness is fundamental over the course of the last few decades the european legislature has adopted a total of 18 regulations in the area of private international law the question remains however if these efforts have turned private international law into a truly european field the book analyses for the first time how european european private international law actually is demonstrating the crucial role that private international law and legality has played and continues to play in shaping globalization this book argues that the rules institutions and actors that make up the practice of private international law have been critical in translating political and economic power into legal regimes that have facilitated the processes of globalization these processes depend on two fundamental types of socio political action the legal structuring of emerging transnational spaces and flows of goods capital and finance and the legal political reconfiguration of state power and priorities to facilitate the growth of these spaces and their penetration into national political economic and social spaces while a variety of processes were involved in these forms of action the material practices of private international law played a central role in this project of political economic reconstruction offering a theory of private international legality as a practice that intersects with and provides a vehicle for the mobilization of political and economic power this book examines the construction and enrolment of private law expertise and the structural condition of pluralism in the global political economy to argue that private international law has helped construct a global political economy responsive to the priorities of powerful actors and resistant to the demands and interests of the rest of the world s populations it will be of interest to academics and students exploring the relationship between law international political economy and the nature of state power a comprehensive and in depth analysis of how courts in the countries of commonwealth africa decide claims under private international law to seeking the answer to the three basic questions of contempory private international law i also deemed it essential to out line to the reader the historical development of the different concepts of this particular branch of law for without the know ledge of this history it is impossible to understand the contempory problems the fact that private international law oscillates between public international law and substantive municipal law as it is applied in individual countries creates considerable problems in both theory and practice i have tried to deal with these problems in the third part of my study concerning universa lism and nationalism in the doctrine of private international law as well as in its fourth part which is devoted to the object and nature of this law and its place in the overall system of law the character of private international law ensuing from the plurality of municipal laws which also characterize the origin and existence of comparative jurisprudence in spired me to produce the fifth part of this study which prima rily tries to explain the problems of comparative jurisprudence but does so defining its objectives and possibilites in order to underline at the same time its role in private international law and in the law of international trade litigating disputes in international civil and commercial cases presents a number of special challenges which country s courts have jurisdiction and where is it advantageous to sue given the international elements of the case which country s law will the court apply finally if a successful plaintiff cannot find enough local assets what does it take to have the judgment recognized and enforced in a country with assets advanced introduction to private international law and procedure addresses these questions through a comparative overview of legal systems contrasting anglo american common law and the civil law approach of the european union european union law and private international law both attempt to resolve a conflict of laws there is however a certain tension between the two disciplines the present book proposes suggestions to enhance their mutual understanding private international law online is a dedicated analysis of the private international law framework in the european union as it applies to online activities such as content publishing selling and advertising goods through internet marketplaces or offering services that are performed online it provides an insight into the history of internet regulation and examines the interplay between substantive regulation and private international law in a transaction space that is inherently independent from physical borders lutzi investigates the
current legal framework of the European Union from two angles first questioning how the rules of private international law affect the effectiveness of substantive legislation and then considering how the resulting legal framework affects individual internet users the book addresses recent judgments like the court of justice's controversial decision in Glawischnig Piesczek v Facebook and the potential consequences of global injunctions including the adverse effects on freedom of speech and the challenges of coordinating different national laws with regard to online platforms it also considers the European Union's new copyright directive and the way private international law affects the ability of instruments such as this to create a coherent legal framework for online activities in the European Union based on this discussion Lutzi advocates an alternative approach and sets out how reform might provide a more effective framework and develops individual elements of the approach to propose new rules and how those rules might adapt to accommodate more recent phenomena and technologies this book provides a systematic elaboration of Chinese private international law reveals the general techniques concerning conflict of laws in China explains the detailed Chinese conflict rules for different areas of law and demonstrates how international civil litigation is pursued in China clearly structured and written by a native Chinese scholar specializing in the field the book's easy-to-read style makes it accessible to a broad readership while its content makes it a useful reference guide especially for jurists and researchers Electronic commerce and international private law examines the maximization of consumer protection through the consumer's jurisdiction and law it discusses the proposition that a new connecting factor be used to improve the efficiency of juridical protection for consumers who contract with foreign sellers by electronic means and offers recommendations as to how to amend existing jurisdiction and choice of law rules to provide a basis for the consumer to sue in his own jurisdiction and for the law of the consumer's domicile to apply the book will be a valuable resource for academics students and practitioners working in the areas of international private law electronic commerce law and consumer law this book systematically and exhaustively analyses existing PIL rules and issues in EU and national legislation covering all EU member states in the process it demonstrates that the characteristics of PIL themselves imply a framework for general issues independently from language codification or underlying legal tradition investment arbitration has become the key forum to settle disputes between investors and the host state it is not clear from the arbitration agreements which body of law the arbitrators should apply national or international this book examines how the legal framework within which the arbitral panels operate in influences which body of law they apply globalization of legal traffic and the inherent necessity of having to litigate in foreign courts or to enforce judgments in other countries considerably complicate civil proceedings due to great differences in civil procedure this may consequently jeopardize access to justice this triggers the debate on the need for harmonization of civil procedure in recent years this debate has gained in importance because of new legislative and practical developments both at the European and the global level this book discusses the globalization and harmonization of civil procedure from the angles of legal history law and economics and European policy attention is paid to the interaction with private law and private international law and European and global projects that aim at the harmonization of civil procedure or providing guidelines for fair and efficient adjudication it further includes contributions that focus on globalization and harmonization of civil procedure from the viewpoint of eight different jurisdictions this book is a unique combination of theory and practice and valuable for academic researchers in the area of civil procedure private international law international law as well as policy makers national and EU lawyers judges and bailiffs this comprehensive companion is a unique guide to the Hague Conference on private international law HCCH written by international experts who have all directly or indirectly contributed to the work of the HCCH this companion is a critical assessment of and reflection on past and possible future contributions of the HCCH to the further development and unification of private international law the idea of national codification is advancing on a global scale in conflict of laws a large number of legislative projects dealing with codifying and modernizing private international law both on the national and the supranational level have been launched in the past few years among such recent initiatives the advances taken by the European and the Japanese legislators are particularly reflecting these developments on January 1 2007 the new Japanese Act on general rules for application of laws entered into force replacing the outdated conflict of laws statute of 1898 this major reform finds its parallels in the current efforts of the European Union to create a modern private international law regime for its member states this volume presents the first
comprehensive analysis of the new Japanese private international law available in any western language and contrasts it with corresponding European developments. Most of the contributors from Japan are renowned experts in the field of private international law. Leading European experts in the conflict of laws supplement the Japanese analyses with comparative contributions reflecting the pertinent discussion of parallel endeavours in the EU to guarantee better understanding. English translations of both the present and former Japanese statutes have been added. Co-published by WIPO and the Hague Conference on Private International Law, this guide is a practical tool written for judges examining how private international law operates in intellectual property matters, using illustrative references to selected international and regional instruments and national laws. The guide aims to help judges apply the laws of their own jurisdiction supported by an awareness of key issues concerning jurisdiction of the courts, applicable law, recognition and enforcement of judgments, and judicial cooperation in cross-border disputes. Controversies about the changing nature of law engage theories of legal pluralism, political economy, social systems, international relations or regime theory. Global constitutionalism and public international law such debates reveal a variety of emerging responses to distributional issues which arise beyond the Western welfare state and new conceptions of private transnational authority. However, private international law tends to stand aloof, claiming process-based neutrality or the apolitical nature of private law technique. As a result, the discipline is paradoxically ill-equipped to deal with the most significant cross-border legal difficulties from immigration to private financial regulation, which might have been expected to fall within its remit. Contributing little to the governance of transnational non-state power, it is largely complicit in its unhampered expansion. This is all the more a paradox given that the new thinking from other fields, which seek to fill the void, theories of legal pluralism, peer networks, transnational substantive rules, privatized dispute resolution, and regime collision have long been part of the daily fare of the conflict of laws. The crucial issue now is whether private international law can or should survive as a discipline. This volume lays the foundations for a critical approach to private international law in the global era. While the governance of global issues such as health, climate and finance clearly implicates the law, particularly international law, its private law dimension is generally invisible. This book develops the idea that the liberal divide between public and private international law has enabled the unregulated expansion of transnational private power in these various fields. It explores the potential of private international law to reassert a significant governance function in respect of new forms of authority beyond the state to do so it must shed a number of assumptions entrenched in the culture of the nation-state. But this will permit the discipline to expand its potential to confront major issues in global governance. A sharp distinction is usually drawn between public international law concerned with the rights and obligations of states with respect to other states and individuals, and private international law concerned with issues of jurisdiction, applicable law, and the recognition and enforcement of foreign judgments in international private law disputes. But the adoption of an international systemic perspective challenges this distinction by exploring the ways in which norms of public international law shape and are given effect through private international law. Based on an analysis of the history of private international law, its role in US, EU, Australian, and Canadian federal constitutional law, and its relationship with international constitutional law, he rejects its conventional characterisation as purely national law. He argues instead that private international law effects an international ordering of regulatory authority in private law structured by international principles of justice pluralism and subsidiarity. This provides an unprecedented historical theoretical and comparative analysis and appraisal of party autonomy in private international law. These issues are of great practical importance to any lawyer dealing with cross-border legal relationships and great theoretical importance to a wide range of scholars interested in law and globalisation. The encyclopedia of private international law is a definitive reference work in the field, bringing together 195 authors from 57 countries. The encyclopedia sheds light on the current state of private international law around the globe and how it is affected by globalization and increased regional integration. The role and character of private international law has changed tremendously over the past decades with the steady increase of global and regional inter-connectedness.
significance of the discipline has grown and so has the number of legislative activities on the national international and
most importantly the european level the encyclopedia is a rich and varied resource in four volumes the first two volumes
provide comprehensive coverage of topical aspects of private international law in the form of 247 alphabetically arranged
entries the third volume provides insightful detail on the national private international law regimes of 80 different
countries the fourth volume presents invaluable and often unique english language translations of the national codifications
and provisions of private international law in those countries key features 247 substantive entries 80 national reports
entries organized alphabetically for ease of navigation fully cross referenced entries written by the world s foremost
scholars of private international law national codifications in english collected together into a single volume for quick
reference world class editor team this book explores the theory and practice of judicial jurisdiction within the field of
private international law it offers a revised look at values justifying the power of courts to hear and decide cross border
disputes and demonstrates that a re conceptualisation of jurisdiction is needed rather than deriving from territorial power of
states jurisdiction in civil and commercial cross border matters ought to be driven by party autonomy this autonomy can be
limited by certain considerations of equality and critical state sovereign interests the book applies this normative view to
the existing rules of jurisdiction in the european union and the russian federation these regimes are chosen due to their
unique positions towards values in private international law and contrasting societal norms that generate and accommodate
these values notwithstanding disparate cultural and political ideas these regimes reveal a surprising level of consistency
when it comes to enforcement of party autonomy there is nevertheless room for improvement the book demonstrates to scholars
policy makers and lawmakers that jurisdiction should be re centred around the interests of private actors and proposes ways to
improve the current rules this book provides an unprecedented analysis and appraisal of party autonomy in private
international law the power of private parties to enter into agreements as to the forum in which their disputes will be
resolved or the law which governs their legal relationships it includes a detailed exploration of the historical origins of
party autonomy as well as its various theoretical justifications and an in depth comparative study of the rules governing
party autonomy in the european union the united states common law systems and in international codifications it examines both
choice of forum and choice of law including arbitration agreements and choice of non state law and both contractual and non
contractual legal relations this analysis demonstrates that while an apparent consensus around the core principle of party
autonomy has emerged its coherence as a doctrine is open to question as there remains significant variation in practice across
its various facets and between legal systems ussr the doctrine of private international law its relation to foreign policy on
trade to the individual to the family and to children population considerations references bibliography pp 13 18 in an
increasingly globalized and digitized world transactions communications and data flow freely across national borders when
lawsuits arise as a result of those trans border events the question of which court or courts have jurisdiction and can
provide the appropriate forum becomes critical this two volume collection provides a survey of personal jurisdiction across
both time and legal systems it includes articles ranging from the early 20th century to present day and to the problems
created by jurisdiction in cyberspace it also examines the jurisdictional premises of major common law countries and those in
the civilian tradition with an original introduction by the editor these comprehensive volumes will appeal to scholars and
practitioners alike
Private International Law and the Internet 2016-03-22 in this the third edition of private international law and the internet professor dan svantesson provides a detailed and insightful account of what is emerging as the most crucial current issue in private international law that is how the internet affects and is affected by the four fundamental questions when should a lawsuit be entertained by the courts which state s law should be applied when should a court that can entertain a lawsuit decline to do so and will a judgment rendered in one country be recognized and enforced in another he identifies and investigates twelve characteristics of internet communication that are relevant to these questions and then proceeds with a detailed discussion of what is required of modern private international law rules professor svantesson s approach focuses on several issues that have far reaching practical consequences in the internet context including the following cross border defamations cross border business contracts cross border consumer contracts and cross border intellectual property issues a wide survey of private international law solutions encompasses insightful and timely analyses of relevant laws adopted in a variety of countries including australia england hong kong the united states germany sweden and china as well as in a range of international instruments there is also a chapter on advances in geo identification technology and its special value for legal practice the book concludes with two model international conventions one on cross border defamations and one on cross border contracts as well as a set of practical check lists to guide legal practitioners faced with cross border matters within the discussed fields professor svantesson s book brings together a wealth of research findings in the overlapping disciplines of law and technology that will be of particular utility to practitioners and academics working in this new and rapidly changing field his thoughtful analysis of the interplay of the developing internet and private international law will also be of great value as will the tools he offers with which to anticipate the future private international law and the internet provides a remarkable stimulus to continue working towards globally acceptable rules on jurisdiction applicable law and recognition and enforcement of judgments for communication via the internet

Private International Law 2019-12-27 is private international law pil still fit to serve its function in today s global environment in light of some calls for radical changes to its very foundations this timely book investigates the ability of pil to handle contemporary and international problems and inspires genuine debate on the future of the field

The Theory and Practice of Private International Law 1892 in spite of the undoubtedly great and rising importance of the international legislative co operation regarding private international law it must be remembered that no successful unification or harmonization of conflict rules has ever taken place on the universal level and that the conflict rules stemming from international legislative co operation between a limited number of countries give rise to the same problems as non harmonized rules whenever they have to be used in relation to countries not participating in the legislative co operation in question this book will therefore focus on the last mentioned problems and refrain from dealing with the particular issues arising from international legislative co operation in the field of private international law one of the principal aims of michael bogdan is to demonstrate the relationship between the national rules of private international law and the rest of the legal system of the forum country in the first place its substantive private law and its law of civil procedure as well as to illustrate the impact of the forum country s general ethical and other values on its private international law

Private International Law as Component of the Law of the Forum 2012-01-03 lauterpacht sir hersch private law sources and analogies of international law with special reference to international arbitration london longmans green and co ltd 1927 xxv 325 pp reprinted 2002 by the lawbook exchange ltd lccn 2001041399 isbn 1 58477 184 4 cloth 75 a scientific look at the practice of the use of private law for the development of international law lauterpacht expands upon this subject with a useful discussion of international arbitration and international tribunals and refers to numerous cases an english international lawyer of polish birth lauterpacht 1897 1960 offers a conception of his subject shaped by academic research and practical experience he was whewell professor of international law at cambridge and a member of the institute of international law and the british academy he also served as a judge of the international court of justice and was a bencher of gray s inn walker the oxford companion to law 716 the lawbook exchange has also published a reprint of his other noted work the function of law in the international community

Private Law Sources and Analogies of International Law 2002 the authors list of abbreviations general introduction part i
general principles choice of law technique chapter 1 sources of pil chapter 2 connection chapter 3 basic terms part ii rules of choice of law chapter 1 persons chapter 2 obligations chapter 3 law of property chapter 4 intangible property rights chapter 5 company law chapter 6 family law chapter 7 succession law part iii annex international civil procedure icp chapter 1 sources of icp national law international conventions chapter 2 the principle of lex fori chapter 3 national jurisdiction chapter 4 international jurisdiction chapter 5 acceptability recognition and enforcement of foreign judgments selected bibliography index

Collected courses of the Hague Academy of International Law 1993 as one of the most definitive texts on the market european private international law provides an essential guide for both students and practitioners to the complex field of international litigation within the eu the private international law of the member states is increasingly regulated by european law making private international law ever less national and ever more eu based consequentially eu law in this area has penetrated national law to a very high degree making it an essential area of study and an area of increasing importance to practising lawyers this book provides a thorough overview of core european private international law including the brussels i rome i and rome ii regulations jurisdiction applicable law for contracts and tort while additional chapters deal with the recently adopted succession regulation private international law and insolvency freedom of establishment and the impact of pil on corporate social responsibility from the reviews of the first edition as a result of his broad knowledge on the subject and rich professional experience mr van calster provides great insight into current issues within international law the book is practical as both a student textbook and a general introduction for legal professionals vladimir cupryszak association for international arbitration excellent overview of european private international law issues as well as a very helpful introduction to basic concepts of conflicts of laws and jurisdictions professor stavros brekoulakis queen mary university of london this is a most useful book i recommend it to my students as a great way to come to terms with the eu elements of private international law dr david kenny trinity college dublin this book is essential reading for law students in europe and abroad it provides a coherent overview of all main elements of european private international law concepts legal instruments and practice professor kim talus uef law school finland well written clear and understandable excellent value for money dr jan oster king s college london uk

Private International Law in South Africa 2014 bringing together academics and private international lawyers from a wide range of jurisdictions and institutions this volume explores how private international law can best contribute to the development of the global legal architecture needed to integrate our emerging multicultural world society

European Private International Law 2016-04-21 this book is the leading reference on indonesian private international law in english the chapters systematically cover the whole of indonesian private international law including commercial matters family law succession cross border insolvency intellectual property competition antitrust and environmental disputes the chapters do not merely cover the traditional conflict of law areas of jurisdiction applicable law choice of law and enforcement the chapters also look into conflict of law questions arising in arbitration and assess indonesian involvement in the harmonisation of private international law globally and regionally within asean similarly to the other volumes in the studies in private international law asia series this book presents the indonesian conflict of laws through a combination of common and civil law analytical techniques and perspectives providing readers worldwide with a more profound and comprehensive understanding of the subject

Diversity and Integration in Private International Law 2019-08-21 this book was originally published as a monograph in the international encyclopaedia of laws private international law Indonesian Private International Law 2021-03-25 providing a unique and clearly structured tool this book presents an authoritative collection of carefully selected global case studies some of these are considered global due to their internationally relevant subject matter whilst others demonstrate the blurring of traditional legal categories in an age of accelerated cross border movement the study of the selected cases in their political cultural social and economic contexts sheds light on the contemporary transformation of law through its encounter with conflicting forms of normativity and the multiplication of potential fora
American Private International Law 2008-01-01

freedom of establishment is one of the four fundamental freedoms of the European Union. The principle is that natural persons who are European Union citizens and legal entities formed in accordance with the law of a member state and having its registered office, central administration or principal place of business within the EU may take up economic activity in any member state in a stable and continuous form regardless of nationality or mode of incorporation. This book examines the way in which EU law has influenced how national courts in Europe assert jurisdiction in cross-border corporate disputes and insolvencies and the mechanism which allows them to decide which national law should apply to the substance of the dispute. The book also considers the potential for EU member states to compete for devising national corporate and insolvency legislation that will attract incorporations and insolvencies central to the book is the concept of national choice of law in considering the impact of freedom of establishment on private international law for corporations. The book uniquely analyses both corporate and insolvency law together presenting the topic in the broadest possible sense. Importantly, the doctrine of abuse in corporate and insolvency law is considered raising the question of forum shopping and regulatory competition which underpins the intersection between freedom of establishment and private international law through examination of the most recent and leading judgments of the European Court of Justice in Centros and Cadbury Schweppes. The book derives certain conclusions as to the operation of the doctrine of abuse and the limits thereof in the context of freedom of establishment being the first in the field to examine the leading ECJ cases of Inspire Art Service and Cartesio regarding the real seat doctrine. The book makes the judgment that there is no incompatibility as such between the doctrine and the freedom of establishment. Ultimately, the book analyses to what extent diversity in the corporate and insolvency laws of the member states should be preserved so as to encourage competition between jurisdictions in Europe.

Global Private International Law 2012-03-29

This book provides an authoritative account of the evolution and application of private international law principles in India in civil, commercial, and family matters through a structured evaluation of the legislative and judicial decisions. The authors examine the private international law in the Republic and whether it conforms to international standards and best practices as adopted in major jurisdictions such as the European Union, the United Kingdom, the United States, India’s BRICS partners, Brazil, Russia, China, and South Africa, and other common law systems such as Australia, Canada, New Zealand, and Nepal. Divided into 13 chapters, the book provides a contextualised understanding of legal transformation on key aspects of the Indian conflict-of-law rules on jurisdiction, applicable law, and the recognition and enforcement of foreign judgments or arbitral awards, particularly fascinating in this regard is the discussion and focus on both traditional and contemporary areas of private international law including marriage, divorce, contractual, and tort law. The book deliberates the nuanced perspective of endorsing the Hague Conference on Private International Law instruments, favouring enhanced uniformity and predictability in matters of choice of court, applicable law, and the recognition and enforcement of foreign judgments. The book’s international and comparative focus makes it eminently resourceful for legislators, the judges of Indian courts, and other interested parties such as lawyers and litigants when they are confronted with cross-border disputes that involve an examination of India’s private international law. The book also provides a comprehensive understanding of Indian private international law which will be useful for academics and researchers looking for an in-depth discussion on the subject.

Freedom of Establishment and Private International Law for Corporations 2021-10-07

A sharp distinction is usually drawn between public international law concerned with the rights and obligations of states with respect to other states and individuals and private international law concerned with issues of jurisdiction, applicable law, and the recognition and enforcement of foreign judgments in international private law disputes before national courts. Through the adoption of an international systemic perspective, Dr. Alex Mills challenges this distinction by exploring the ways in which norms of public international law shape and are given effect through private international law based on an analysis of the history of private international law, its role in US, EU, Australian, and Canadian federal constitutional law, and its relationship with international constitutional law. He rejects its conventional characterisation as purely national law and argues instead that private international law effects an international ordering of regulatory authority in private law structured by international
principles of justice pluralism and subsidiarity

Indian Private International Law 2009-07-02 no field of legal scholarship or practice operates in the world of private international law as continuously and perversely as does international arbitration commercial and investment alike arbitration’s dependence on private international law manifests itself throughout the life cycle of arbitration from the drafting of an enforceable arbitration agreement through the entire arbitral process to the time an award comes before a national court for annulment or for recognition and enforcement thus international arbitration provides both arbitral tribunals and courts with constant challenges courts may come to the task already equipped with longstanding private international law assumptions but international arbitrators must largely find their own way through the private international law thicket arbitrators and courts take guidance in their private international law inquiries from multiple sources party agreement institutional rules treaties the national law of competing jurisdictions and an abundance of soft law some of which may ever be regarded as expressing an international standard in a world of this sort private international law resourcefulness

The Confluence of Public and Private International Law 2017 over the course of the last few decades the European legislature has adopted a total of 18 regulations in the area of private international law the question remains however if these efforts have turned private international law into a truly European field the book analyses for the first time how European private international law actually is

International Arbitration and Private International Law 2019 demonstrating the crucial role that private international law and legality has played and continues to play in shaping globalization this book argues that the rules institutions and actors that make up the practice of private international law have been critical in translating political and economic power into legal regimes that have facilitated the processes of globalization these processes depend on two fundamental types of socio-political action the legal structuring of emerging transnational spaces and flows of goods capital and finance and the legal political reconfiguration of state power and priorities to facilitate the growth of these spaces and their penetration into national political economic and social spaces while a variety of processes were involved in these forms of action the material practices of private international law played a central role in this project of political economic reconstruction offering a theory of private international legality as a practice that intersects with and provides a vehicle for the mobilization of political and economic power this book examines the construction and enrolment of private law expertise and the structural condition of pluralism in the global political economy to argue that private international law has helped construct a global political economy responsive to the priorities of powerful actors and resistant to the demands and interests of the rest of the world’s populations it will be of interest to academics and students exploring the relationship between law international political economy and the nature of state power

How European is European Private International Law? 2022-03-10 a comprehensive and in depth analysis of how courts in the countries of commonwealth Africa decide claims under private international law

Power and Pluralism in International Law 2013-09-12 to seeking the answer to the three basic questions of contemporary private international law i also deemed it essential to outline to the reader the historical development of the different concepts of this particular branch of law for without the knowledge of this history it is impossible to understand the contemporary problems the fact that private international law oscillates between public international law and substantive municipal law as it is applied in individual countries creates considerable problems in both theory and practice i have tried to deal with these problems in the third part of my study concerning universialism and nationalism in the doctrine of private international law as well as in its fourth part which is devoted to the object and nature of this law and its place in the overall system of law the character of private international law ensuing from the plurality of municipal laws which also characterize the origin and existence of comparative jurisprudence in spired me to produce the fifth part of this study which primarily tries to explain the theoretical problems of comparative jurisprudence but does so defining its objectives and possibilities in order to underline at the same time its role in private international law and in the law of international trade
Private International Law in Commonwealth Africa 2013-12-01

litigating disputes in international civil and commercial cases presents a number of special challenges which country’s courts have jurisdiction and where is it advantageous to sue given the international elements of the case which country’s law will the court apply finally if a successful plaintiff cannot find enough local assets what does it take to have the judgment recognized and enforced in a country with assets advanced introduction to private international law and procedure addresses these questions through a comparative overview of legal systems contrasting anglo american common law and the civil law approach of the european union
Trends of Private International Law 2018-06-29 

European union law and private international law both attempt to resolve a conflict of laws there is however a certain tension between the two disciplines the present book proposes suggestions to enhance their mutual understanding
Advanced Introduction to Private International Law and Procedure 2011-11-25

private international law online is a dedicated analysis of the private international law framework in the european union as it applies to online activities such as content publishing selling and advertising goods through internet marketplaces or offering services that are performed online it provides an insight into the history of internet regulation and examines the interplay between substantive regulation and private international law in a transaction space that is inherently independent from physical borders lutzi investigates the current legal framework of the european union from two angles first questioning how the rules of private international law affect the effectiveness of substantive legislation and then considering how the resulting legal framework affects individual internet users the book addresses recent judgments like the court of justice s controversial decision in glawischnig piesczek v facebook and the potential consequences of global injunctions including the adverse effects on freedom of speech and the challenges of coordinating different national laws with regard to onlineplatforms it also considers the european union s new copyright directive and the way private international law affects the ability of instruments such as this to create a coherent legal framework for online activities in the european union based on this discussion lutzi advocates an alternative approach and sets out how reform might provide a more effective framework and develops individual elements of the approach to propose new rules and how those rules might adapt to accommodate more recent phenomena and technologies
EU Law and Private International Law 2020-07-02

this book provides a systematic elaboration of chinese private international law reveals the general techniques concerning conflict of laws in china explains the detailed chinese conflict rules for different areas of law and demonstrates how international civil litigation is pursued in china clearly structured and written by a native chinese scholar specializing in the field the book s easy to read style makes it accessible to a broad readership while its content makes it a useful reference guide especially for jurists and researchers
Private International Law Online 2015-10-28

electronic commerce and international private law examines the maximization of consumer protection via the consumer s jurisdiction and law it discusses the proposition that a new connecting factor be used to improve the efficiency of juridical protection for consumers who contract with foreign sellers by electronic means and offers recommendations as to how to amend existing jurisdiction and choice of law rules to provide a basis for the consumer to sue in his own jurisdiction and for the law of the consumer s domicile to apply the book will be a valuable resource for academics students and practitioners working in the areas of international private law electronic commerce law and consumer law
Private International Law in China 2016-04-29

this book systematically and exhaustively analyses existing pil rules and issues in eu and national legislation covering all eu member states in the process it then demonstrates that the characteristics of pil themselves imply a framework for general issues independently from language codification or underlying legal tradition
Electronic Commerce and International Private Law 2019

investment arbitration has become the key forum to settle disputes between investors and the host state it is not clear from the arbitration agreements which body of law the arbitrators should apply national or international this book examines how the legal framework which the arbitral panels operate in influences which body of law they apply
A Conceptual Analysis of European Private International Law 2013-03-21

globalization of legal traffic and the inherent necessity of having to litigate in foreign courts or to enforce judgments in other countries considerably complicate civil
proceedings due to great differences in civil procedure this may consequently jeopardize access to justice this triggers the debate on the need for harmonization of civil procedure in recent years this debate has gained in importance because of new legislative and practical developments both at the european and the global level this book discusses the globalization and harmonization of civil procedure from the angles of legal history law and economics and global projects that aim at the harmonization of civil procedure or providing guidelines for fair and efficient adjudication it further includes contributions that focus on globalization and harmonization of civil procedure from the viewpoint of eight different jurisdictions this book is an unique combination of theory and practice and valuable for academic researchers in the area of civil procedure private international law international law as well as policy makers national and eu lawyers judges and bailiffs

Applicable Law in Investor-State Arbitration 2012-02-02 this comprehensive companion is a unique guide to the hague conference on private international law hcch written by international experts who have all directly or indirectly contributed to the work of the hcch this companion is a critical assessment of and reflection on past and possible future contributions of the hcch to the further development and unification of private international law

Civil Litigation in a Globalising World 2020-12-25 the idea of national codification is advancing on a global scale in conflict of laws a large number of legislative projects dealing with codifying and modernizing private international law both on the national and the supranational level have been launched in the past few years among such recent initiatives the advances taken by the european and the japanese legislators are particularly reflecting these developments on january 1 2007 the new japanese act on general rules for application of laws entered into force replacing the outdated conflict of laws statute of 1898 this major reform finds its parallels in the current efforts of the european union to create a modern private international law regime for its member states this volume presents the first comprehensive analysis of the new japanese private international law available in any western language and contrasts it with corresponding european developments most of the contributors from japan are scholars who were actively involved in and responsible for preparing the new act all of them are renowned experts in the field of private international law leading european experts in the conflict of laws supplement the japanese analyses with comparative contributions reflecting the pertinent discussion of parallel endeavours in the eu to guarantee better understanding english translations of both the present and the former japanese statutes have been added

The Elgar Companion to the Hague Conference on Private International Law 2008 co published by wipo and the hague conference on private international law this guide is a pragmatic tool written by judges for judges examining how private international law operates in intellectual property ip matters using illustrative references to selected international and regional instruments and national laws the guide aims to help judges apply the laws of their own jurisdiction supported by an awareness of key issues concerning jurisdiction of the courts applicable law the recognition and enforcement of judgments and judicial cooperation in cross border ip disputes

Japanese and European Private International Law in Comparative Perspective 1975 contemporary debates about the changing nature of law engage theories of legal pluralism political economy social systems international relations or regime theory global constitutionalism and public international law such debates reveal a variety of emerging responses to distributional issues which arise beyond the western welfare state and new conceptions of private transnational authority however private international law tends to stand aloof claiming process based neutrality or the apolitical nature of private law technique and refusing to recognize frontiers beyond than those of the nation state as a result the discipline is paradoxically ill equipped to deal with the most significant cross border legal difficulties from immigration to private financial regulation which might have been expected to fall within its remit contributing little to the governance of transnational non state power it is largely complicit in its unhampered expansion this is all the more a paradox given that the new thinking from other fields which seek to fill the void theories of legal pluralism peer networks transnational substantive rules privatized dispute resolution and regime collision have long been part of the daily fare of the conflict of laws the crucial issue now is whether private international law can or indeed should survive as a discipline this volume lays the foundations for a critical approach to private international law in the global era while the governance of global issues such as health climate and
finance clearly implicates the law and particularly international law its private law dimension is generally invisible this book develops the idea that the liberal divide between public and private international law has enabled the unregulated expansion of transnational private power in these various fields it explores the potential of private international law to reassert a significant governance function in respect of new forms of authority beyond the state to do so it must shed a number of assumptions entrenched in the culture of the nation state but this will permit the discipline to expand its potential to confront major issues in global governance

The International Unification of Private Law 2019-10-15 a sharp distinction is usually drawn between public international law concerned with the rights and obligations of states with respect to other states and individuals and private international law concerned with issues of jurisdiction applicable law and the recognition and enforcement of foreign judgments in international private law disputes before national courts through the adoption of an international systemic perspective dr alex mills challenges this distinction by exploring the ways in which norms of public international law shape and are given effect through private international law based on an analysis of the history of private international law its role in us eu australian and canadian federal constitutional law and its relationship with international constitutional law he rejects its conventional characterisation as purely national law he argues instead that private international law effects an international ordering of regulatory authority in private law structured by international principles of justice pluralism and subsidiarity

When Private International Law Meets Intellectual Property Law 2014-12-18 provides an unprecedented historical theoretical and comparative analysis and appraisal of party autonomy in private international law these issues are of great practical importance to any lawyer dealing with cross border legal relationships and great theoretical importance to a wide range of scholars interested in law and globalisation

Private International Law and Global Governance 2009-07-02 the encyclopedia of private international law quite simply represents the definitive reference work in the field bringing together 195 authors from 57 countries the encyclopedia sheds light on the current state of private international law around the globe providing unique insights into the discipline and how it is affected by globalization and increased regional integration the role and character of private international law has changed tremendously over the past decades with the steady increase of global and regional inter connectedness the practical significance of the discipline has grown and so has the number of legislative activities on the national international and most importantly the european level the encyclopedia is a rich and varied resource in four volumes the first two volumes provide comprehensive coverage of topical aspects of private international law in the form of 247 alphabetically arranged entries the third volume provides insightful detail on the national private international law regimes of 80 different countries the fourth volume presents invaluable and often unique english language translations of the national codifications and provisions of private international law in those countries key features 247 substantive entries 80 national reports entries organized alphabetically for ease of navigation fully cross referenced entries written by the world s foremost scholars of private international law national codifications in english collected together into a single volume for quick reference world class editor team

The Confluence of Public and Private International Law 2018-08-16 this book explores the theory and practice of judicial jurisdiction within the field of private international law it offers a revised look at values justifying the power of courts to hear and decide cross border disputes and demonstrates that a re conceptualisation of jurisdiction is needed rather than deriving from territorial power of states jurisdiction in civil and commercial cross border matters ought to be driven by party autonomy this autonomy can be limited by certain considerations of equality and critical state sovereign interests the book applies this normative view to the existing rules of jurisdiction in the european union and the russian federation these regimes are chosen due to their unique positions towards values in private international law and contrasting societal norms that generate and accommodate these values notwithstanding disparate cultural and political ideas these regimes reveal a surprising level of consistency when it comes to enforcement of party autonomy there is nevertheless room for improvement the book demonstrates to scholars policy makers and lawmakers that jurisdiction should be re centred around the interests of private actors and proposes ways to improve the current rules
Party Autonomy in Private International Law 2017-09-29 this book provides an unprecedented analysis and appraisal of party autonomy in private international law the power of private parties to enter into agreements as to the forum in which their disputes will be resolved or the law which governs their legal relationships it includes a detailed exploration of the historical origins of party autonomy as well as its various theoretical justifications and an in depth comparative study of the rules governing party autonomy in the European Union the United States common law systems and in international codifications it examines both choice of forum and choice of law including arbitration agreements and choice of non state law and both contractual and non contractual legal relations this analysis demonstrates that while an apparent consensus around the core principle of party autonomy has emerged its coherence as a doctrine is open to question as there remains significant variation in practice across its various facets and between legal systems

Encyclopedia of Private International Law 2020-02-20 USSR the doctrine of private international law its relation to foreign policy on trade to the individual to the family and to children population considerations references bibliography pp 13 18

Rethinking Judicial Jurisdiction in Private International Law 2018-07-31 in an increasingly globalized and digitized world transactions communications and data flow freely across national borders when lawsuits arise as a result of those trans border events the question of which court or courts have jurisdiction and can provide the appropriate forum becomes critical this two volume collection provides a survey of personal jurisdiction across both time and legal systems it includes articles ranging from the early 20th century to present day and to the problems created by jurisdiction in cyberspace it also examines the jurisdictional premises of major common law countries and those in the civilian tradition with an original introduction by the editor these comprehensive volumes will appeal to scholars and practitioners alike

Party Autonomy in Private International Law 1965

Soviet Private International Law 2014

Jurisdiction and Private International Law