

Insolvency In Private International Law National And International Approaches Oxford Private International Law Series

Private International Law in English Courts 2e Intellectual Property and Private International Law Cheshire, North and Fawcett Oxford private international law series Human Rights and Private International Law The Nature and Enforcement of Choice of Court Agreements Restitution in Private International Law Substance and Procedure in Private International Law Private International Law in the English Courts Cheshire, North & Fawcett Private International Law Essays in Private International Law Singapore Private International Law Intellectual Property and Private International Law Intellectual Property and Private International Law Reform and Development of Private International Law European Access Collected courses of the Hague Academy of International Law Foreigners in Turkey Who's who Electronic Consumer Contracts in the Conflict of Laws Adrian Briggs J. J. Fawcett Ugljesa Grusic J. J. Fawcett Mukarrum Ahmed Robert Stevens Richard Garnett (Lawyer) Adrian Briggs James J. Fawcett Peter Machin North Adeline Chong J. J. Fawcett J. J. Fawcett Peter Machin North Hague Academy of International Law Philip Marshall Brown Henry Robert Addison Zheng Sophia Tang

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the first edition of this book offered a restatement of european and english private international law as it was applied in the english courts the decision of the uk to withdraw from the eu and of the eu to bar the uk from entry to the lugano convention has meant that the broad structure of the book needed fundamental change to reflect the new but in some ways much more archaic law in working out and working through the complex consequences of the separation it is apparent that the law has lost some of the coherence it had developed whether the rough edges of the new system can be smoothed and how that can be achieved is something which only time will tell in this developing situation this new edition endeavours to describe and explain how it all works and sometimes does not work the book provides critical analysis and guidance relevant both before and during litigation written by an academic and practising barrister with over 40 years of experience this book offers an approach to private international law as it stands six years after the national referendum in much the same way as the previous edition did with the hybrid system of english and european law before that event only by having understood the state structure and coherence of the law prior to brexit can one really comprehend the effect of the new legal reality

the protection and commercial exploitation of intellectual property rights are seldom confined to one country and the introduction of a foreign element inevitably raises potential problems of private international law this comprehensive analysis covers topics ranging from establishing which court has jurisdiction and which is the applicable law to securing the recognition and enforcement of foreign judgements

the new edition of this well established and highly regarded work has been fully updated to encompass the major changes and developments in the law including coverage of the recast brussels i regulation which came into force in 2015 the book is invaluable for the practitioner as well as being one of the leading students textbooks in the field giving comprehensive and accessible coverage of the basic principles of private international law it offers students teachers and practitioners not only a rigorous academic examination of the subject but also a practical guide to the complex subject of private international law written by an expert team

of academics there is extensive coverage of commercial topics such as the jurisdiction of various courts and their limitations stays of proceedings and restraining foreign proceedings the recognition and enforcement of judgments the law of obligations with respect to contractual and non contractual obligations there are also sections on the various aspects of family law in private international law and the law of property including the transfer of property administration of estates succession and trusts

1 introduction 2 human rights private international law and their interaction 3 the right to a fair trial 4 the right to a fair trial and jurisdiction under the eu rules 5 the right to a fair trial and recognition and enforcement of foreign judgments under the eu rules 6 the right to a fair trial and jurisdiction under national rules 7 the right to a fair trial and enforcement and recognition of foreign judgments under the traditional english rules 8 the right to a fair trial and private international law concluding remarks 9 the prohibition of discrimination and private international law 10 freedom of expression and the right to respect for private life international defamation and invasion of privacy 11 the right to marry the right to respect for family life the prohibition on discrimination and international marriage 12 religious rights and recognition of marriage and extra judicial divorce 13 right to respect for family life and the rights of the child international child abduction 14 right to respect for private and family life and related rights parental status 15 the right to property foreign judgments and cross border property disputes 16 overall conclusions

praise for the book this constitutes a work of impressive scholarship that will become a major reference point for future discourse on choice of court agreements dr ahmed advances a firm thesis in a lucid manner that will satisfy both academics and practitioners the discussion is supported by a monumental foundation of underpinning research ahmed s monograph throughout shows clear understanding of underlying substantive laws and in chapter 11 displays a refreshing willingness to engage in intelligent speculation on the implications of brexit professor david milman university of lancaster the book is an excellent attempt to understand the theoretical underpinnings of choice of court agreements in private international law anyone with an interest in the theory and practice of choice of court agreements in particular in mechanisms for their enforcement should read this book they will find much of value by doing so professor paul beaumont university of aberdeen from the series editor s preface this book examines the fundamental juridical nature classification and enforcement of choice of court agreements in international commercial litigation it is the first

full length attempt to integrate the comparative and doctrinal analysis of choice of court agreements under the brussels i recast regulation the hague convention on choice of court agreements hague convention and the english common law jurisdictional regime into a theoretical framework in this regard the book analyses the impact of a multilateral and regulatory conception of private international law on the private law enforcement of choice of court agreements before the english courts in the process it both pre empts and offers innovative solutions to issues that may arise under the jurisprudence of the emergent brussels i recast regulation and the hague convention the need to understand the nature and enforcement of choice of court agreements before the english courts from the perspective of the eu private international law regime and the hague convention cannot be understated this important new study aims to fill an existing gap in the literature in relation to an account of choice of court agreements which explores and reconnects arguments drawn from international legal theory with legal practice however the scope of the work remains most relevant for cross border commercial lawyers interested in crafting pragmatic solutions to the conflicts of jurisdictions

this book is the first unified and in depth assessment of the issues raised in private international law by the law of restitution and includes coverage of restitutionary choice of law issues such as subrogation constructive trusts and claims for contribution the unity and importance of the law of restitution in english domestic law is being increasingly recognized by academics practitioners and most importantly the courts in recent years there have been a significant number of cases dealing with unjustified enrichment in private international law including *Barings v. Cunniff* and *Re Polly Peck International plc* the focus of the book is on difficulties which might arise in practice and it aims to assist practitioners dealing with issues which have not previously been treated at length for example in the case of money laundering giving guidance to a commercial practitioner on which laws apply to a plaintiff's attempt to follow and trace the value of his money through a number of jurisdictions the primary concern of the book is english private international law however the domestic law of unjustified enrichment in other states is discussed in order to consider the problems conflicts between domestic laws can create the jurisdictional and choice of law rules of other systems are also analyzed in comparison with english law

when the law of a foreign country is selected or pleaded by a claimant or defendant a question arises as to whether the issue pertains to substance in which case it may be resolved

by foreign law or procedure in which case it will be governed by the law of forum this book examines the distinction between substance and procedure questions in private international law and analyses where and whether each is appropriate to do so it examines previous attempts to define the scope of procedure in private international law considers alternative choice of law methods for referring matters to the law of forum and examines the influence of the doctrine of characterization on procedure substance and procedure in private international law also provides detailed analysis of the decisional law in which the substance procedure distinction has been employed creating a clear assessment of its application in various practical situations and providing valuable guidance for practitioners on how the distinction should be applied the book also considers procedural topics such as service of process and the taking of evidence abroad in order to show how the application of forum law may further be limited by foreign laws with a foreword by the hon sir anthony mason publisher s website

this book offers a restatement of european and english private international law as it applies in the english courts the author has set out to create a contemporary approach to private international law which is distinguished from the traditional approach of describing private international law through its common law foundations the author places european regulations and related statutory material at the front and centre of the book reorganising privateinternational law according to the principles that the law is increasingly european and decreasingly insular as such the work constitutes

the new edition of this well established and highly regarded work has been fully updated to encompass the major changes and developments in the law including the newly finalised rome ii regulation the book is invaluable for the practitioner as well as being one of the leading students textbooks in the field

this work consists of nine essays in the broad field of private international law some originally delivered as lectures others written as law journal articles the author draws on his experience as a law commissioner in european community negotiations in brussels and in providing advice to the government on private international law matters where appropriate the essays include new introductions examining major developments which have occurred since they were originally written

there has been significant reform in singapore private international law in recent years developments such as the establishment of the singapore international commercial court the incorporation of the hague convention on choice of court agreements into singapore law and the enactment of the insolvency restructuring and dissolution act 2018 have all thrown the country into a period of rapid growth singapore private international law commercial issues and practice provides a roadmap to assist readers in navigating this changing landscape in it chong and yip offer an overview of singapore s legal system exploring how governmental and judicial efforts have capitalised on singapore s location at the heart of asia its status as a leading financial centre globally and its modern infrastructure to make it the hub of choice for cross border disputes and insolvency and restructuring efforts practical guidance is given to matters such as changes to jurisdiction protective measures the recognition and enforcement of foreign judgments general choice of law issues and issues specific to contract tort unjust enrichment equitable obligations trusts property corporations and international insolvency and corporate restructuring the book also looks at how the english common law principles have been implemented and developed in singapore with relevant cases legislation and foreign sources used to offer a comparative perspective

this volume examines the protection and exploitation of intellectual property rights along with international problems relating to which court has jurisdiction and which is the relevant law in foreign cases and judgments

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this collection of essays by his friends and colleagues honours sir peter north s remarkable career and outstanding contribution to private international law it takes as its theme the reform and development of private international law reflecting the three different levels at which the development and reform of private international law takes place robin morse discusses the creeping codification of private international law trevor hartley draws attention to an area of private international law that relating to matrimonial property which is entirely judge made joost blom shows how quickly the judges in this case in the supreme court of canada can develop private international law once they set their mind to it sir lawrence collins discusses the concept of comity in modern private international law writers too have

had their part to play in the development of private international law this is the subject of the contribution by ole lando kurt siehr looks at the impact of international instruments on national private international law and the problems that this throws up a number of contributors discuss various aspects of the ever growing europeanization of private international law ian fletcher focuses on the ec regulation on insolvency proceedings and its impact upon established law and practice in england and wales paul beaumont examines questions of legal basis and external competence and the best way for the uk and europe to be represented in issues of private international law globally as well as offering a technical analysis of the contract provision of the brussels i regulation hans ulrich jessurun d oliveira examines the uneasy relationship between the european union and private international law and the movement towards eroding the latter peter nygh compares declining jurisdiction under the brussels i regulation and the preliminary draft hague judgments convention other contributors have concentrated on aspects of the reform of private international law on a world wide basis jonathan harris discusses the hague convention on the law applicable to trusts and on their recognition 1985 in his examination of the trust in private international law not surprisingly there is much discussion in this book of the ambitious project that has been absorbing the hague conference for nearly ten years namely a hague convention on jurisdiction and foreign judgments in civil and commercial matters david mclean discusses the history of the project and if it does fail a possible way forward ron brand suggests a more modest goal at the hague conference namely a choice of court plus recognition convention whatever the fate of the hague judgments convention the work undertaken at the hague can still be used in the future it can inform the discussion of what we should do in intellectual property cases in private international law which is the subject of james fawcett s contribution

an annual biographical dictionary with which is incorporated men and women of the time

his book aims to provide an answer to the urgent requirement for legal certainty security and justice in e consumer contracts

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