

Cheshire North And Fawcett Private International Law

Cheshire, North and Fawcett Private International Law and Global Governance A Guide to Global Private International Law Research Methods in Private International Law Cheshire, North & Fawcett Private International Law Linkages and Boundaries in Private and Public International Law Cheshire, North & Fawcett Private International Law The Hague Judgments Convention and Commonwealth Model Law Essays in International Litigation for Lord Collins Cross-Border Trade Secret Disputes in the European Union Intellectual Property Jurisdiction Strategies Clawback Law in the Context of Succession International Law Treatment of Foreign Law in Asia Concise Commentary on the Rome I Regulation Residence of Individuals Under Tax Treaties and EC Law The Oxford Handbook of Jurisdiction in International Law Research Handbook on Cross-Border Bank Resolution Electronic Consumer Contracts in the Conflict of Laws Ugljesa Grusic Horatia Muir Watt Paul Beaumont Xandra Kramer James J. Fawcett Veronica Ruiz Abou-Nigm J J and Janeen M Carruthers Fawcett Abubakri Yekini Jonathan Harris Lydia Lundstedt Torsten Bjørn Larsen Jayne Holliday Jan Wouters Kazuaki Nishioka Franco Ferrari Guglielmo Maisto Stephen Allen Matthias Haentjens Zheng Sophia Tang Cheshire, North and Fawcett Private International Law and Global Governance A Guide to Global Private International Law Research Methods in Private International Law Cheshire, North & Fawcett Private International Law Linkages and Boundaries in Private and Public International Law Cheshire, North & Fawcett Private International Law The Hague Judgments Convention and Commonwealth Model Law Essays in International Litigation for Lord Collins Cross-Border

Trade Secret Disputes in the European Union Intellectual Property Jurisdiction Strategies Clawback Law in the Context of Succession International Law Treatment of Foreign Law in Asia Concise Commentary on the Rome I Regulation Residence of Individuals Under Tax Treaties and EC Law The Oxford Handbook of Jurisdiction in International Law Research Handbook on Cross-Border Bank Resolution Electronic Consumer Contracts in the Conflict of Laws *Ugljesa Grusic Horatia Muir Watt Paul Beaumont Xandra Kramer James J. Fawcett Veronica Ruiz Abou-Nigm J J and Janeen M Carruthers Fawcett Abubakri Yekini Jonathan Harris Lydia Lundstedt Torsten Bjørn Larsen Jayne Holliday Jan Wouters Kazuaki Nishioka Franco Ferrari Guglielmo Maisto Stephen Allen Matthias Haentjens Zheng Sophia Tang*

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

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 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

this book provides a substantial overview of the discipline of private international law viewed from a global perspective

the guide is divided into 4 key sections theory institutional and conceptual framework issues civil and commercial law apart from family law family law each chapter is written by a leading expert s the chapters address specific areas aspects of private international law and consider the existing global solutions and the possibilities of improving creating them where appropriate the chapters are co authored by experts from different legal perspectives in order to achieve as balanced a picture as possible the range of contributions includes authors from europe north america latin america africa asia and oceania an essential resource for academics practitioners and students alike

this incisive research handbook provides valuable insights into the various methodological approaches to private international law from regulatory and educational perspectives it comprehensively unpacks central themes in the field including international jurisdiction recognition and enforcement and scrupulously analyses core debates whilst addressing legislative and policy issues

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

do private and public international law coincide in their underlying objectives when it comes to their respective contribution to the realisation of global values how do they work together towards the consistency and efficiency of the international legal order this edited collection sets out a vision to serve modern society the international legal order cannot be defined as public or private linkages and boundaries focuses on the interface between private and public international law and the synergies that a joint approach brings to topical issues such as corporate social responsibility

and environmental law as well as foundational concepts such as international jurisdiction state sovereignty and party autonomy the book showcases the dynamic interaction between the two disciplines with a view to contribute to a dialogue that is still only in the early stages of delivering its full potential the collection explores ways to deepen the dialogue between these two distinct but interrelated disciplines with a view to further their progression towards a more integrated and holistic approach to legal problems that require an international approach the book brings together well known experts and new voices from both disciplines and from a wide range of jurisdictions in europe north america and south america

this book undertakes a systematic analysis of the 2019 hague judgments convention the 2005 hague choice of court convention 2005 and the 2017 commonwealth model law on recognition and enforcement of foreign judgments from a pragmatic perspective the book builds on the concept of pragmatism in private international law within the context of recognition and enforcement of judgments it demonstrates the practical application of legal pragmatism by setting up a toolbox pragmatic goals and methods that will assist courts and policymakers in developing an effective and efficient judgments enforcement scheme at national bilateral and multilateral levels practitioners national courts policymakers academics students and litigants will benefit from the book s comparative approach using case law from the united kingdom and other leading commonwealth states the united states and the court of justice of the european union the book also provides interesting findings from the empirical research on the refusal of recognition and enforcement in the uk and the commonwealth statutory registration schemes respectively

the practice of international litigation has been transformed in recent decades central to the development of

international litigation as a field has been the remarkable career of lord collins scholar practitioner judge and arbitrator in this collection in his honour inspired by collinss own late 20th century classic essays in international litigation and the conflict of laws oup 1994 jonathan harris and campbell mclachlan present the research of sixteen jurists of international renown they offer a fresh appraisal of key developments across the field from climate litigation to offshore trusts the impact of brexit and the new tools for international judicial cooperation organised into five parts the book offers a set of unique insights into the conduct of cross border litigation the judicial role in international cases the shape of english private international law the conduct of international arbitration and the interface with public international law as a whole the book offers the opportunity to reflect on the deeper purposes of international litigation in the pursuit of comity

with the rise of international trade and innovation there has been an increase in cross border trade secret violations using common trade secret scenarios as a springboard for analysis the book questions whether eu private international law rules can be interpreted to facilitate the objective of the eu trade secret directive and in doing so provides a detailed examination of both regimes

this timely and practical guide compares the jurisdictional advantages of litigating a national ip right with those of the corresponding european unitary ip right the study offers ip practitioners a meticulous yet principled basis for their jurisdictional decisions and shows why it is advantageous for infringers to litigate based on a national ip right and rightholders to litigate based on a european unitary ip right

this book offers a global solution for determining the law applicable to a claim to clawback an inter vivos gift from a

third party within the context of a succession the book aims to identify an appropriate and applicable legal framework which supports legal certainty for cross border estate planning and protects the legitimate expectations of the relevant parties this is an area of private international law that has yet to be handled satisfactorily as can be seen by the inadequate treatment of clawback from third parties in the 1989 hague convention on the law applicable to succession to the estates of deceased persons and the 2012 eu succession regulation

this textbook offers for the first time a comprehensive analysis of the classic doctrines and main areas of international law from a european perspective meeting the needs of the many european law schools teaching public international law in english special attention is devoted to the practice of the european union the council of europe and european states both civil law and common law countries with regard to international law in particular the book analyses the interplay between international law eu law and national law in the case law of the court of justice of the eu the european court of human rights and national jurisdictions in europe it provides the reader with insights into how the international legal practice of the eu and its member states impacts the development of international law both in terms of doctrines such as treaty making and customary law the exercise of extraterritorial jurisdiction state responsibility and the settlement of disputes as well as particular sub fields of international law such as human rights law and international economic law in addition the book covers other important areas such as the use of force and collective security the law of armed conflict and global and regional international organisations it provides european perspectives on all these issues and will be of great value to students scholars and practitioners

how do asian courts ascertain interpret and apply a foreign law as the law governing the merits of the case what

should judges do if parties do not raise or disagree on the content of foreign law this thematic volume in the studies in private international law asia series analyses the treatment of foreign law before judicial authorities that is how the courts of asian states deal with the proof of foreign law in court litigation involving cross border elements the individual chapters cover 15 asian jurisdictions mainland china hong kong taiwan japan south korea singapore malaysia vietnam cambodia myanmar the philippines indonesia thailand sri lanka and india the introduction and conclusion examine similarities and differences in the approaches taken by the 15 asian states with a view to assessing the extent to which those approaches are consistent or different from each other the book also puts forward suggestions for harmonising differing approaches especially between asian common law and civil law states the book is a one stop reference guide on the treatment of foreign law in asia and will be indispensable to judges practitioners and scholars not just in asia but worldwide

a succinct dogmatically sound commentary to the most relevant eu instrument on international contracts

this book deals comprehensively with the problems raised by residence of individuals for tax purposes it begins with an overview of residence of individuals in private international law with a particular emphasis on general principles on residence and conflict of law rules it then examines issues raised by residence of individuals in ec non tax law individual country surveys provide in depth analyses from a national viewpoint the following countries are discussed australia austria belgium canada france germany italy japan netherlands spain switzerland and united kingdom

this handbook provides an authoritative and comprehensive analysis of the concept of jurisdiction in international law the authors undertake a thematic analysis of its history its contemporary application and how it needs to adapt to

encompass future developments in international law

since 2008 many countries across the globe have witnessed the introduction of new recovery and resolution regimes for banks whereas much may have been achieved on regional levels this has not been perfect and many global challenges remain unsolved the research handbook on cross border bank resolution analyses the strengths and weaknesses of the current regulatory framework for cross border bank crises with contributions from eminent experts from the us eu japan and china the topic is addressed from both economic and legal perspectives with a special section devoted to real life cases

the second edition of this highly recommended work addresses the interaction between conflict of laws dispute resolution electronic commerce and consumer contracts in addition it identifies specific difficulties that conflicts lawyers and consumer lawyers encounter in electronic commerce and proposes original approaches to balance the conflict of interest between consumers access to justice and business efficiency the european union has played a leading role in this area of law and its initiatives are fully explored it pays particular attention to the most recent development in collective redress and alternative online dispute resolution by adopting multiple research methods including a comparative study of the eu and us approach historical analysis of protective conflict of laws doctrinal analysis of legal provisions and economic analysis of law it provides the most comprehensive examination of frameworks in cross border consumer contracts

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Introduction

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