



Issues In International Commercial Law

Johanna Hoekstra



Issues In International Commercial Law:

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Issues in International Commercial Law Iwan Davies, 2020-11-10 Originally published in 2005 It is now possible to identify within the discipline of law a distinct body of international commercial law This engaging book consists of a wide ranging series of essays which demonstrates the breadth and scope of the subject matter of international commercial law Many of the themes identified bridge both national and international commercial law The volume consists of three parts Credit and Security Contractual Issues International Commercial Regulation It is evident that international commercial law is concerned with private and public law within which there are particular disciplines ranging from banking law e commerce intellectual property insolvency and increasingly international regulation through criminal law extending beyond frontiers

Clive M. Schmitthoff's Select Essays on International Trade Law Chia-Jui Cheng, 2024-10-28 *Current Issues in International Business Law* David L. Perrott, Istvan S. Pogany, 1988 This text presents a collection of articles detailing issues pertinent to the law of international trade business and investment Topics include a review of the U S export policies the EEC and international trade aspects of antitrust law the effectiveness of the GATT arbitration in international contracts legal constraints on multinationals and more *Commercial Issues in Private International Law* Michael Douglas, Vivienne Bath, Mary Keyes, Andrew Dickinson, 2019-06-13 As people business and information cross borders so too do legal disputes Globalisation means that courts need to apply principles of private international law with increasing frequency Thus as the Law Society of New South Wales recognised in its 2017 report *The Future of Law and Innovation in the Profession* knowledge of private international law is increasingly important to legal practice In particular it is essential to the modern practice of commercial law This book considers key issues at the intersection of commercial law and private international law The authors include judges academics and practising lawyers from Australia New Zealand Singapore and the United Kingdom They bring a common law perspective to contemporary problems concerning the key issues in private international law jurisdiction choice of law and recognition and enforcement of foreign judgments The book also addresses issues of evidence and procedure in cross border litigation and the impact of recent developments at the Hague Conference on Private International Law including the Convention on Choice of Court Agreements on common law principles of private

international law **Legal issues in international credit transfers** Walther Hadding, Uwe-Helmut Schneider, Current Legal Issues in International Commercial Litigation Keang Sood Teo, National University of Singapore. Faculty of Law, 1997

Legal Issues on Climate Change and International Trade Law Deok-Young Park, 2016-04-29 This book provides an excellent overview of the legal issues surrounding climate change mitigation and international trade law. It surveys key observed and potential challenges posed by responses to climate change in terms of international trade law. By examining the controversial issues seen in legal cases in which domestic climate change or renewable energy measures conflicted with international trade regimes, this volume promotes and broadens the understanding and debate of the issues. Beyond the recognized challenges, this book uncovers potential areas of conflict between climate change responses and international trade promotion by exploring previous cases and current efforts to prevent climate change. Furthermore, this volume sheds light on the future direction of international trade law and climate change responses, pointing out that the development of climate change or renewable energy laws and policies must also consider international trade regimes in order to ensure the smooth implementation of said laws and policies and guarantee that international trade laws do not restrict environmental policy space.

Non-State Rules in International Commercial Law Johanna Hoekstra, 2021-03-15 Through further technological development and increased globalization, conducting business abroad has become easier, especially for Small and Medium Enterprises (SME). However, the legal issues associated with international commerce have not lessened in complexity, including the role of non-state rules. The book provides a comprehensive analysis of non-state rules in international commercial contracts. Non-state rules have legal authority in the national and international sphere, but the key question is how this legal authority can be understood and established. To answer this question, this book examines first what non-state rules are and how their legal authority can be measured; it then analyses how non-state rules are applied in different scenarios, including as the applicable law, as a source of law, or to interpret either the law or the contract. Throughout this analysis, three other important questions are also answered: when can non-state rules be applied, when are they applied, and how are they applied. The book concludes with a framework and classification that leads to a deeper understanding of the legal authority of non-state rules. Providing a transnational perspective on this important topic, this book will appeal to anyone researching international commercial law. It will also be a valuable resource for arbitrators and anyone working in international commercial litigation.

Twilight Issues in International Arbitration George Bermann, 2023-03-09 There are many issues of arbitral practice that remain largely unaddressed or very poorly addressed in the sources to which tribunals and counsel conventionally turn for procedural guidance: the arbitration agreement, the *lex arbitri*, and rules of procedure. This book brings together the most frequently recurring of such twilight issues, so called because all participants in the arbitral process, when facing them, find themselves in the dark, showing in each case where it is best for arbitrators, counsel, and parties to look for solutions offering logic, certainty, and predictability. The issues ably covered

by the author include among others the following Is a non signatory bound by or entitled to invoke an arbitration agreement When may res judicata or collateral estoppel subject Should a tribunal issue an anti suit injunction When may a tribunal treat as mandatory a law other than the chosen one On what basis may a witness invoke testimonial privilege When may a tribunal sanction counsel for what it considers misconduct By what standards is a determination of corruption to be made How should a tribunal determine the interest rate applicable to an award On what basis are costs to be allocated Examining in turn the guidance that may be provided by normative sources national law and if so which one simple exercise of good judgment or international standards derived from soft law arbitral jurisprudence international law and scholarly and professional commentary the analysis clearly shows how when conventional sources of legal guidance are unavailing decisions on important matters of arbitral practice and procedure are best made The book will prove of major relevance and value to any and all stakeholders in the international arbitral process whether commercial or investor state

China's Influence on Non-Trade Concerns in International Economic Law Paolo Farah,Elena Cima,2016-10-14 This volume examines the range of Non Trade Concerns NTCs that may conflict with international economic rules and proposes ways to protect them within international law and international economic law Globalization without local concerns can endanger relevant issues such as good governance human rights right to water right to food social economic cultural and environmental rights labor rights access to knowledge public health social welfare consumer interests and animal welfare climate change energy environmental protection and sustainable development product safety food safety and security Focusing on China the book shows the current trends of Chinese law and policy towards international standards The authors argue that China can play a leading role in this context not only has China adopted several reforms and new regulations to address NTCs but it has started to play a very relevant role in international negotiations on NTCs such as climate change energy and culture among others While China is still considered a developing country in particular from the NTCs point of view it promises to be a key actor in international law in general and more specifically in international economic law in this respect This volume assesses taking into consideration its special context China s behavior internally and externally to understand its role and influence in shaping NTCs in the context of international economic law

Foundations of International Commercial Law Christian Twigg-Flesner,2021-08-04 Foundations of International Commercial Law provides a fresh analysis of both the contextual features of International Commercial Law and a range of different International Commercial Law instruments This text covers the various elements which comprise International Commercial Law the academic debates about the lex mercatoria and harmonisation as well as a discussion of selected conventions and other instruments International Commercial Law is concerned with commercial transactions which have an international dimension for example contracts between parties from multiple jurisdictions As an area of study it is characterised by the interaction of a wide range of national and international legal sources which all shape the overall context within which international commercial contracts are made and performed

This book focuses on the international legal sources in particular It first explores all the different elements which together comprise the context of international commercial transactions before examining the process of making International Commercial Law Specific instruments of International Commercial Law discussed in the book include the conventions on the international sale of goods agency financial leasing factoring receivables financing and secured interests in mobile equipment together with the UNIDROIT Principles of International Commercial Contracts and documentary credits There are separate chapters on private international law and international commercial arbitration and a final chapter exploring the existing and potential impact of the digital economy on International Commercial Law Offering a detailed overview of the main themes and key aspects of International Commercial Law this book is for readers who are new to the subject whether undergraduate or postgraduate students legal scholars practitioners or policymakers

Modern Law of International Trade Ajendra Srivastava,2020-08-31 This book presents a comprehensive and systematic study of the principal aspects of the modern law of international commercial transactions Based on diverse sources including legislative texts case law international conventions and a variety of soft law instruments it highlights key topics such as the international sale of goods international transport marine insurance international finance and payments electronic commerce international commercial arbitration standard trade terms and international harmonization of trade laws In focusing on the private law aspects of international trade the book closely analyzes the relevant statutes case law and the European Union EU and international uniform law instruments like the Rome I Regulation the UN Convention on the Contracts for the International Sale of Goods CISG UNCITRAL Model Laws non legislative instruments including restatements such as the UNIDROIT Principles on International Commercial Contracts and rules of business practices codified by the ICC such as the Arbitration Rules UCP 600 and different versions of the INCOTERMS The book clearly explains the key concepts and nuances of the subject offering incisive and vivid analyses of the major issues and developments It also traces the evolution of the law of international trade and explores the connection between the lex mercatoria and the modern law Comprehensively examining the issue of international harmonization of trade laws from a variety of perspectives it provides a detailed account of the work of major players in the field including UNCITRAL UNIDROIT ICC and the Hague Conference on Private International Law HCCH Adopting the comparative law method this book offers a critical analysis of the laws of two key jurisdictions India and England in the context of export trade In order to stimulate discussion on law reform it explains the similarities and differences not only between laws of the two countries but also between the laws of India and England on the one hand and the uniform law instruments on the other Given its breadth of coverage this book is a valuable reference resource not only for students in the fields of law international trade and commercial law but also for researchers practitioners and policymakers

International Contracts and National Economic Regulation:Dispute Resolution Through International Commercial Arbitration Mahmood Bagheri,2000-12-06 The growth of national economic regulation and the process of

globalisation increasingly expose international transactions to an array of regulations from different jurisdictions These developments often contribute to widespread international contractual failures when parties claim the incompatibility of their contractual obligations with regulatory laws The author challenges conventional means of dispute resolution and argues for an interdisciplinary approach whereby disciplines such as international economic law conflict of laws contract law and economic regulations are functionally united to resolve international and multifaceted regulatory disputes He identifies the normative foundation of contract law as an important determinant in this process contending that contract law is essentially neutral and underpinned by the concept of corrective justice while economic regulations are mainly prompted by distributive justice Applying this corrective distributive justice dichotomy to international contracts the author critically assesses major conflict of laws approaches such as proper law the Rome Convention and governmental interest analysis which could disregard either public interest or private rights The author taking these theories into account proposes an alternative two dimensional interest analysis approach He tests the viability of this approach with reference to arbitral awards and court decisions in various jurisdictions and concludes that it uniquely fits into the structure of international commercial arbitration In adopting this approach arbitrators would take into account both corrective and distributive justice and to the extent that corrective justice prevails would be able to avert a total failure of the contract

Goode and McKendrick on Commercial Law Roy Goode, Ewan McKendrick, 2021-03-25 The sixth edition of the authoritative and acclaimed commercial law text A great book will be equally useful to legal practitioners students and business people Financial Times This sixth edition of Goode on Commercial Law now retitled Goode and McKendrick on Commercial Law remains the first port of call for the modern day practitioner with its theoretical and practical coverage of commercial law in both a national and an international context Now updated to cover the most recent legal and technical changes this highly acclaimed and authoritative text which is regularly cited by all courts from the Supreme Court downwards combines a deep theoretical analysis of foundational principles with a practical approach in the context of typical commercial and financial transactions It is also replete with diagrams and specimen forms covering a wide range of transactions Searching analysis and meticulous exposition coupled with a lucid clarity of style and a relaxed lightness of touch combine to make the book not only compulsory but compulsive reading for anyone interested in its field Law Quarterly Review A work of immense scholarship Professor Goode's work must be as nearly exhaustive as can be possible and as produced by Penguin is a triumph of paperback publishing Solicitor's Journal Clear and comprehensive The student and practitioner will find it indispensable the interested layperson too will benefit from it as a work of reference British Business A veritable tour de force Business Law Review International Commercial Arbitration Gary Born, 2009 International Commercial Arbitration Third Edition is an authoritative treatise providing the most complete available commentary and analysis on all aspects of the international commercial arbitration process This completely revised and expanded edition of Gary Born's authoritative work is divided into three main parts

dealing with the International Arbitration Agreement International Arbitral Procedures and International Arbitral Awards The Third Edition provides a systematic framework for both current analysis and future developments as well as exhaustive citations from all leading legal systems INTERNATIONAL ARBITRATION AGREEMENTS Legal Framework for International Arbitration Agreements International Arbitration Agreements and the Separability Presumption Choice of Law Governing International Arbitration Agreements Formation Validity and Legality of International Arbitration Agreements International Arbitration Agreements and Competence Competence Effects and Enforcement of International Arbitration Agreements Interpretation of International Arbitration Agreements INTERNATIONAL ARBITRAL PROCEDURES AND PROCEEDINGS Legal Framework for International Arbitral Proceedings Selection Challenge and Replacement of Arbitrators in International Arbitration Rights and Duties of International Arbitrators Selection of Arbitral Seat in International Arbitration Procedures in International Arbitration Disclosure and Discovery in International Arbitration Provisional Measures in International Arbitration Consolidation Joinder and Intervention in International Arbitration Choice of Substantive Law in International Arbitration Confidentiality in International Arbitration Legal Representation and Professional Conduct in International Arbitration INTERNATIONAL ARBITRAL AWARDS Legal Framework for International Arbitral Awards Form and Content of International Arbitral Awards Correction Interpretation and Supplementation of International Arbitral Awards Annulment of International Arbitral Awards Recognition and Enforcement of International Arbitral Awards Preclusion Lis Pendens and Stare Decisis in International Arbitral Awards Routledge Handbook on Transnational Commercial Law Bruno

Zeller,Camilla Baasch Andersen,2025-02-21 This handbook edited by Zeller and Andersen is an indispensable contribution to the field of transnational commercial law With an introduction by Sir Roy Goode this book presents perspectives on legal issues of international sales transactions as perceived by world leading experts exposing pragmatic and modern aspects of everything from drafting to uniform laws to dispute resolution The book divides itself between fundamental knowledge of transnational commercial law e g chapters on forum shopping CISG Cape Town Convention etc and current and topical developments e g chapters on blockchain smart contracts metaverse digital assets etc International or transnational trade during the past twenty years has become more and more important outstripping domestic trade as a hallmark of economic success Model laws developed by the United Nations and other international bodies are now being transplanted or ratified by countries so a translational element must always be considered as part of any choice of law Addressing a global audience as the instruments dealt with herein apply to many states in different regions this handbook aims not only at an undergraduate and graduate student audience but also will interest professional lawyers **The International Economic Law**

Revolution and the Right to Regulate Joel P. Trachtman,2006 A collection of 13 previously published articles Official Proceedings of the International Commercial Congress William Mill Butler,1899 *Dalhuisen on Transnational and Comparative Commercial, Financial and Trade Law Volume 2* Jan H Dalhuisen,2022-04-07 remains a must read for

practitioners and academics interested in more than the substantive law of trans border commercial activity King's Law Journal Volume 2 of this new edition covers the transnationalisation of dispute resolution especially arbitration and contains a critical analysis of the main challenges to its success continuing credibility and effectiveness The volume distinguishes between commercial financial and foreign investment arbitration and concentrates on the status role and reasoning of international arbitrators their limited powers especially in matters of public policy and in property matters the threat of judicialisation and the need to connect with mediation and a settlement ethos The complete set in this magisterial work is made up of 6 volumes Used independently each volume allows the reader to delve into a particular topic Alternatively all volumes can be read together for a comprehensive overview of transnational comparative commercial financial and trade law

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