

The Future of the Commercial Contract in Scholarship and Law Reform

Third Annual Conference

Friday, 12th October 2018 - 10.00-17.00 hrs

Venue: Institute of Advanced Legal Studies, 17 Russell Square, London WC1B 5DR

Website: www.ials.sas.ac.uk/events/event/16160

Organised by the IALS Centre for Corporate and Commercial Law, University of Westminster and University of Exeter

Academic Convenors: Dr Maren Heidemann, Catherine Pédamon and Dr Joseph Lee

This conference presents research undertaken during 2016-2018 at CCL, IALS. It focusses on the interface between public and private law, the new frontiers of commercial law and will have a special section on the notion of hardship in international commercial contracts (including public/private contractual relationships) and related rules and remedies. Speakers include members of the research group and guests.

PROGRAMME

10 am - 5 pm

Registration from 9.30 am

- 10.00 Welcome and Introduction (Convenors and Prof. Mads Andenas, tbc)
- 10.00 *Keynote Speech:*
Professor Fabrizio Cafaggi, European University Institute, Florence, Italy
The regulatory function of international commercial contracts: beyond lex mercatoria towards a new architecture of global trade
- 10.25 - Discussion -
- 10.40 **Focus Panel 1: Introduction, interface with public international law and legal history**
Chair: Dr Maren Heidemann, IALS
- 10.40 **Dr Maren Heidemann, IALS**
Summary of Research Findings 2016-18: Recurring themes, proposals of areas for reform and the role of public international law in international contract
- 10.55 **Dr. Arie Rosen**, University of Auckland Faculty of Law
The public law of contract law reform: A comparative study

- 11.15 **Dr. Janwillem Oosterhuis**, University of Maastricht,
The Responsiveness of National Jurisdictions to Changing Practices in International Markets. The Industrialization of Commercial Sales Law in the 19th Century
- 11.35 - Discussion -
- 11.45 Coffee break
- 12.00 **Panel 2 – Special focus: Hardship rules in commercial contract law and hardship clauses in commercial contracts**
- 12.00 *Chair and panel keynote speaker:*
Professor Jason Chuah, City, University of London
Impact of Insolvency Law on Commercial Contracts in times of economic hardship
- 12.20 **Catherine Pédamon**, University of Westminster
Hardship in the new French Law of Contract: revolution or evolution?
- 12.40 **Daniele D’Alvia**, Birkbeck, University of London and MPI Hamburg
Hardship clause: is it possible to identify a ‘legal constant’?
- Online contribution: **Dr. Radosveta Vassileva**, UCL, London
Harmonization Impossible: On the Evolution of the English, French, and Bulgarian Approach to Hardship in Commercial Contracts
- 13.00 - Discussion -
- 13.15 Lunch
- 14.00 **Panel 3: special issues in commercial contracts – section 1: goods and services**
Chair: Catherine Pédamon
- 14.00 *Panel Keynote speaker:*
Professor Djakhongir Saidov, King’s College, London
Assessing the Success of the Vienna Sales Convention: Conformity of Goods and Remedies
- 14.20 **Dr. Miriam Goldby**, Queen Mary University of London (QMUL)
Contracts of carriage for container cargoes - Are they contracts of adhesion? Does the current framework regulating these contracts offer an appropriate level of protection?
- 14.40 **Livashnee Naidoo**, University of Southampton and University of Cape Town
Consumer Protection in Modern Commercial Insurance Contract Law: Drawing a Line in the Sand?
- 15.00 - Discussion -

- 15.10 **Panel 3: special issues in commercial contracts – section 2: corporate agreements**
Chair: Dr Joseph Lee
- 15.10 **Associate Professor Despoina Anagnostopoulou**, University of Macedonia, Greece
Contract terms and guarantees for cross-border transfers of company seat: the European Commission proposal of April 2018
- 15.30 **Chien-Chung Lin**, National Chiao Tung University, Taiwan
Shareholder Voting Trust Revisited: A Functional Approach
- 15.50 Coffee break
- 16.10 **Panel 4: new frontiers in commercial contract - the role of technology**
Chair: Hendrik Puschmann, Farrer & Co, London
- 16.10 **Sara Hourani**, Middlesex University
The Recognition of Smart Contract Arbitral Agreements: New Commercial Frontiers in the Digital Age
- 16.30 **Pauline Bernat and Alkesh Acharya**, Atlas City, London
The impact of blockchain technology on commercial contracts: a view from practitioners
- 16.50 **Dr Joseph Lee**, University of Exeter
Using smart contracts and distributed ledgers technologies for cross-border securities trade: problems in contract law, property law and market supervision
- 17.10 Discussion and concluding remarks (convenors)
- 17.30 End of conference

Contact Convenors:

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For conference information and booking: www.ials.sas.ac.uk/events/event/16160
or contact Belinda.Crothers@sas.ac.uk

Conference registration fees:

Standard Rate - £75.00
Concessionary Day Rate for Speakers and Students - £50.00
Concessionary Half Day Rate for Speakers and Students - £35.00