

Centre for Private International Law

Aberdeen CPIL Newsletter

March 2022



UNIVERSITY OF
ABERDEEN

Spotlight
on...



Dr Katarina Trimmings



Dr Patricia Živković



Dr Justin Borg-Barthet

The Centre for Private International Law has been awarded two prestigious research grants by the Royal Society of Edinburgh. The grants will support essential research which will help to shape the development of Scots Private International Law at a crucial moment in the history of its development. Through a series of events, the research will assess the implications of Brexit for Scots Private International Law, analysing the current state of the law with a view of proposing necessary reforms.

The first project, 'Laying the Foundations for a Restatement of Scots Private International Law' started on 01 January 2022 and will run until 31 December 2022. It is led by Dr Justin Borg-Barthet as Principal Investigator, and Dr Katarina Trimmings and Dr Patricia Živković as Co-Investigators. The project will take stock of the present state of Scots law and its relationship with other legal systems, and – drawing on the experiences of other States – will assess how a restatement of Scots Private International Law could be formulated, as well as routes for advocating reform.

The funding will support the organisation of a series of workshops that will bring together scholars, practitioners and policymakers from Scotland and beyond. The work will be supported by a core team consisting of Prof Janeen Carruthers (University of Glasgow), Aude Fiorini

(University of Dundee) and Dr Veronica Ruiz Abou-Nigm (University of Edinburgh). Upon completion of the research, the Centre for Private International Law will produce scholarly outputs as well as policy memoranda to prompt and inform discussion on necessary legal reform.

The second project, 'Protection of international families with links to the European Union post-Brexit: Collaborative Scotland-EU partnership' will run from March 2022 to February 2024. It is led by Dr Katarina Trimmings with Professor Mirela Župan (University of Osijek, Croatia) and Professor Thalia Kruger (University of Antwerp, Belgium) as Co-Investigators. The project will develop an international network to address an urgent need to secure adequate post-Brexit protection of international families with links to the EU in Scotland and vice versa.

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of Edinburgh*

KNOWLEDGE MADE USEFUL

Through a series of activities, the research will examine and assess the operation of the Hague Family Law Conventions in Scotland and EU Member States with strong familial link to Scotland (Belgium, Croatia, Poland, Ireland, Italy and Lithuania) with the aim of securing uniform interpretation and application of these international instruments. In order to achieve this, good practice points will be identified through the project activities and shared with relevant legal practitioners and judicial and administrative authorities in the participating jurisdictions. Additionally, where appropriate, policy recommendations will be made to national policy makers.

The projects continue the Centre for Private International Law's long tradition of impactful research intended to provide a scholarly basis for legal reform with real implications for families and businesses. The Centre is thankful to the Royal Society of Edinburgh and our project partners for their continued support of our work.



POAM project successfully completed

On 31 December 2021, the EU-funded project 'Protection of Abducting Mothers in Return Proceedings: Intersection between Domestic Violence and Parental Child Abduction' (POAM), coordinated by Dr Katarina Trimmings, was successfully completed. Launched on 1 January 2019, the POAM project involved also Dr Onyoja Momoh and Dr Isla Callander of the University of Aberdeen, and a consortium of further three research partners - Professor Anatol Dutta (The Ludwig Maximilians University of Munich, Germany), Professor Costanza Honorati (University of Milano-Bicocca, Italy) and Professor Mirela Župan (University of Osijek, Croatia).

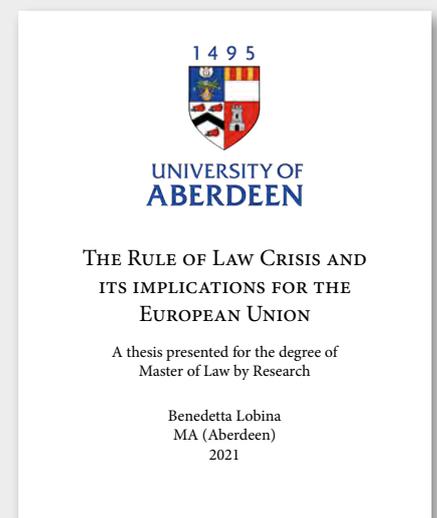
The project explored the intersection between domestic violence and international parental child abduction within the European Union and the utility of Regulation 606/2013 on Mutual Recognition of Protection Measures in Civil Matters in return proceedings under the 1980 Hague Child Abduction Convention and the Brussels IIa Regulation. In the course of the project, the research team actively engaged with relevant stakeholders, in particular judges and legal practitioners, through a series of events, produced national reports on and organised an academic conference to discuss the project topic, produced a project video, published a project article and is currently working on an edited book that will be published by Intersentia later this year. For more information about the project, please visit the project [website](#).



Pravni fakultet Osijek
Sveučilište J. J. Strossmayera u Osijeku

**Benedetta Lobina successfully defended her LLM Research thesis**

The Centre's member Benedetta Lobina successfully defended her LLM Research thesis on 15 December 2021, with Distinction with no corrections. Benedetta's thesis title was "The Rule of Law Crisis and its Implications for the European Union". Professor Tamas Gyorfı was the internal examiner, and Dr Daniel Keleman from Rutgers University was the external. The supervisory team was Dr Justin Borg-Barthet and Dr Patricia Živković. We congratulate Benedetta and wish her all the best in her professional endeavours!



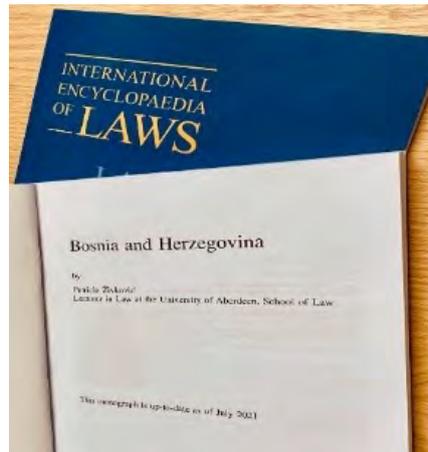
The Centre welcomes new faculty members

The Centre is delighted to welcome several new Private International Law experts within its faculty membership: Miss Konstantina Kalaitoglou was appointed as a Teaching Fellow in September 2021; Dr Onoyia Momoh started as a Lecturer in January 2022, and Dr Michiel Poesen and Ms Nevena Jevremovic will be joining the Centre as Lecturers later this year.



Dr Patricia Živković published her debut publication in the field of IT law

Dr Patricia Živković has now released her debut publication in the field of IT law. Dr Živković channelled her experience as a lawyer in the industry into her monograph on Cyber Law in Bosnia and Herzegovina. The work was published by Wolters Kluwer. The book covers topics such as the regulation of the ICT market in Bosnia and Herzegovina, protection of IP rights in the ICT sector, ICT contracts, electronic transactions, privacy protection, and computer-related crime.



First Postgraduate Conference of the Centre for Private International Law

On 17 November 2021, the First Postgraduate Law Conference was held under the auspices of the Centre for Private International Law. The Conference brought together early-career scholars from across the globe working in the private international law field or at the intersection of European Union law and private international law. The participants presented their research to panels consisting of internal and external academic experts and received valuable feedback for further development of their research. The Conference was a huge success, and it is planned that it will become a regular (bi-)annual event of the Centre. For more information, please visit the [Conference webpage](#).



News from staff and research students



Dr Katarina Trimmings

On 31st December 2021, Dr Katarina Trimmings and Ms Ziyana Nazeemudeen (PhD student affiliated with the Centre for Private International Law), in collaboration with research partners from the University of Colombo, Sri Lanka, successfully completed a British Council-funded collaborative research project titled 'Reproductive Health Care and Policy Concerns: Regulation of Surrogacy Arrangements in Sri Lanka and Lessons Learned from the United

Kingdom'. The project aimed to assist Sri Lankan authorities in regulating surrogacy arrangements, including cross-border surrogacy arrangements, by providing them with opportunities to learn lessons from the UK and other East and South-East Asian countries. Ultimately, the project sought to prevent Sri Lanka from becoming a destination for cross-border commercial surrogacy in South Asia. One of the project outputs was an **animated video** titled 'Prohibiting Commercial Cross-Border Surrogacy in Asia: Focus on Sri Lanka'. For more information about the project, please visit the [project webpages](#).

In autumn 2021, Dr Katarina Trimmings was appointed as a Legal Expert to the Council of Europe to assist with a review of the European Convention on the Legal Status of Children Born out of Wedlock. In this capacity she prepared a substantive report that identified areas for consideration, including gaps in the Convention with a view of strengthening the protection of children born out of wedlock, taking into account the changes and developments

that have taken place since its drafting, including developments at the European Court of Human Rights. The review included an assessment of the desirability of updating the Convention and weighing any elements or factors that could facilitate this process or hinder its modernization, including in the cross-border context and, in particular, whether the revised Convention should also address matters of Private International Law. Dr Trimmings presented the report before the Council of Europe's Committee on Legal Co-operation (CDCJ) in December 2021.



Surrogacy



Dr Patricia Živković

Dr Patricia Živković has published her insights in two contributions to the Practical Insights series published by Kluwer Arbitration: 1) Allocation of Costs in Arbitration and 2) Determination, Payment and Immediate Reimbursement of the Advance on Costs in Arbitration. The Practical Insights are part of the Practice Plus add-on to Kluwer Arbitration. The series deals with practical aspects of different procedural steps in the arbitration process.

Dr Živković has also edited a Special Issue of the Journal of Strategic Contracting and Negotiation on the topic Dispute Resolution, Claim and Conflict Management. The issue was



Kluwer Arbitration

published in June 2021, and covered topics such as dispute prevention, diversity in arbitration, enforcement of mediation clauses, mediation in Scotland, arbitrability, and the concept of arbitration awards. Two contributions were written by our colleague at the School of Law: an article on Designing mediation for Scottish Civil Courts: Options and opportunity was written by Professor Emerita Margaret Ross, and an article on Exploring the concept of arbitral awards under the New York Convention was written by Konstantina Kalaitzoglou, a member of the CPIL.

Journal of Strategic Contracting and Negotiation	
JSCAN	
Volume 5 Numbers 1-2 June 2021	
Contents	
Special Issue: Dispute Resolution, Claim and Conflict Management	
Guest Editor: Patricia Živković	
Articles	
Effective dispute prevention and resolution through proactive contract design <i>Peter Hietzen-Kunwald and Heba Hoopie</i>	3
Innovative solutions for an age-old issue: How transparency and data analytic tools can improve diversity in international arbitration <i>Fabrizio Brattig</i>	24
The enforceability of mediation clauses: A critical analysis of English case law <i>Markus Petzsch</i>	43
Designing mediation for Scottish Civil Courts: Options and opportunity <i>Margaret I. Ross</i>	60
Lessons from the US: Arbitrability of oppression and mismanagement in India <i>Prakhar N S Chauhan and Prashant Singh</i>	76
Exploring the concept of arbitral awards under the New York Convention <i>Konstantina Kalaitzoglou</i>	99

News from associate members



Dr Ivana Kunda

In the period between 30 June 2021 and 15 January 2022, Dr Ivana Kunda participated in 3 projects funded by the EU Justice Programme, leading the Rijeka

Law Faculty team in two of them. In addition to conducting three trainings under the [project on ESCP and EOPP](#), she has contributed to the creation of an [e-training module in EU family property law](#) which will soon be available free-of-charge to legal practitioners. She was also invited to lecture at the ERA Summer Course on Cross-Border Civil Litigation, held in June–July 2021 in Germany, and ERA Judicial Cooperation in Civil Matters Webinar, held in October 2021 in Latvia. Her experience in trainings in civil matters with cross-border implications lays the basis for the analysis and ten constructive recommendations in the chapter “Judicial Training in European Private International Law in Family and Succession Matters” featuring in the open-access book

[Facilitating Cross-Border Family Life – Towards a Common European Understanding: EUFams II and Beyond](#) (Pfeiffer/Lobach/Rapp eds.), Heidelberg University Publishing, 2021: 91-149, co-authored by her.

She also contributed to the [Liber Amicorum Monika Pauknerová](#) (Pfeiffer/Brodec/Briza/Zavadilová eds.), Wolters Kluwer Praha, 2021: 241-258, discussing lessons learned from the CJEU case law on overriding mandatory provisions. Her interdisciplinary paper published in open access in [Current Challenges of European Integration](#) (Kellerhals/Baumgartner eds.), EIZ Publishing Zürich, 2021: 61-68 provides up-to-date perspectives on experiences and challenges Croatia has faced as EU Member State.



Prof. Dr. Guillermo Palao Moreno

Prof. Dr. Guillermo Palao has recently published the following work:

- A monograph on “Arbitraje en contratos internacionales de transferencia de tecnología” (Arbitration in international contracts for the transfer of technology),
- an e-book on “Mediación y Arbitraje en conflictos derivados de la actividad investigadora y deransferencia” (Mediation and Arbitration of conflicts derived from research and transfer activities),
- the co-edition of the 14th edition of the handbook “Derecho Internacional privado” (Private International Law),

and contributed to

- the 9th edition of the handbook “Derecho del Comercio internacional” (International Commercial Law).

Prof. Dr. Palao also participated in the following seminars and conferences:

- “Five years’ experience: highlights and pitfalls of the Succession Regulation” (at ERA),
- “IP Litigation in Europe: general framework and its relation to EU instruments in particular matters” (EN2BRIa project, Genoa Roundtable),
- “El Acuerdo MERCOSUR-UE y sus implicaciones para la Propiedad Intelectual en el context de la Política Comercial Exterior Europea” (RIAPI, Curitiba, Brazil),

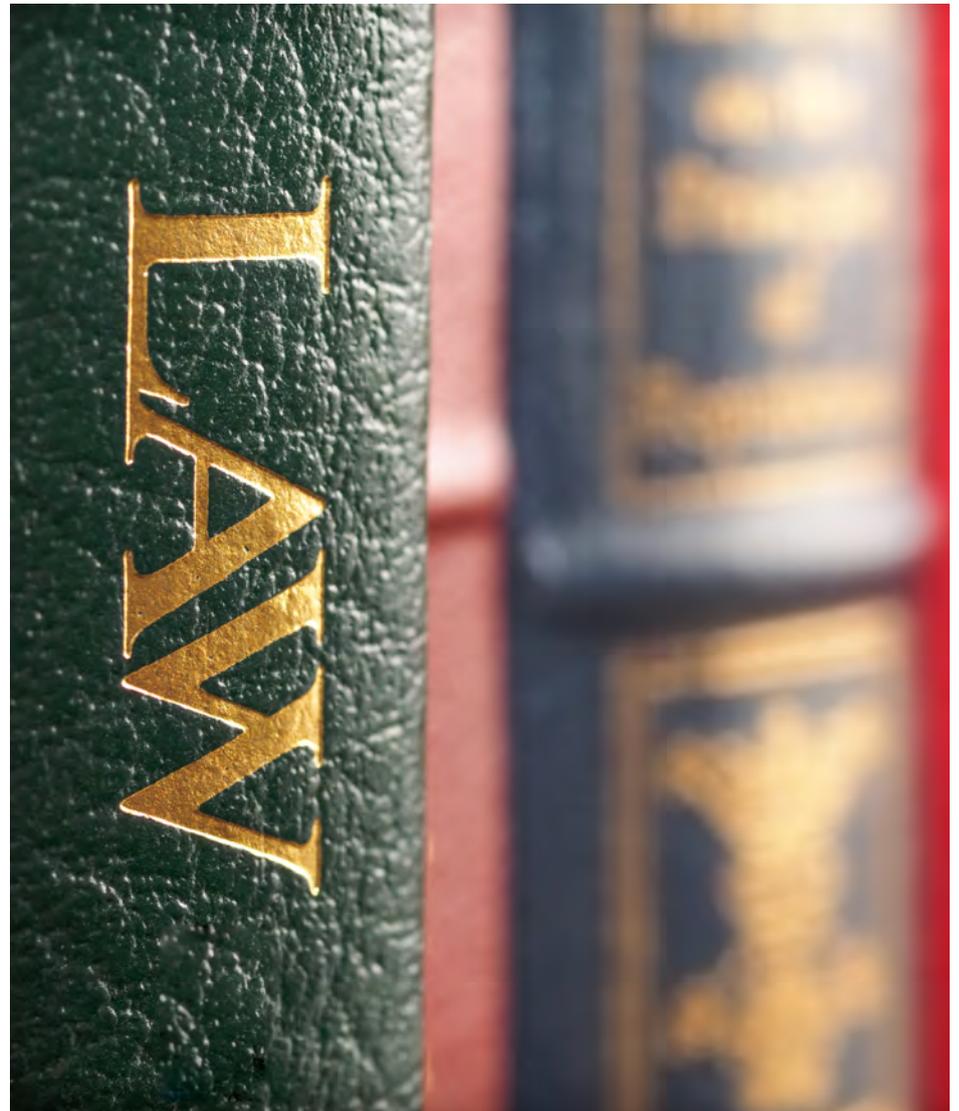
and coordinated and participated in the international webinar “La internacionalización de la investigación e innovación por medio de consorcios y alianzas estratégicas” (The internationalisation of research and innovation through consortia and strategic partnerships) (PCUV, Valencia).



Dr Boris Praštalo

Dr Boris Praštalo, Assistant Professor at the International University of Sarajevo Faculty of Law, published a monograph in 2021 titled Labour Law and Industrial Relations in Bosnia and Herzegovina. Recently, he co-authored a blog post that will be published by Kluwer Arbitration Blog. [The blog post](#)

in question discusses a recent case The Deposit Guarantee Fund for Individuals v. Bank Frick & Co AG and Eastmond Sales LLP, decided by the England and Wales High Court. In September 2021, Boris was one of the key organisers of a very successful Summer School of International Arbitration. The project was headed by the International University of Sarajevo Faculty of Law in cooperation with Association Arbitri. The Summer School attracted lecturers and students from four different continents. In addition to organising the event, Boris delivered a lecture on the topic of Arbitration Agreement, and he moderated a panel discussion titled The Future of Arbitration in Southeast Europe: A Perspective of New Kids on the Block.



Upcoming events

Hard Legal Problems and Comparative Legal Analysis: The case of parental child abduction in international and Islamic law

Speaker:

Professor Anver Emon, University of Toronto, Faculty of Law & Department of History, Director of the Institute of Islamic Studies

Moderator:

Dr Katarina Trimmings

Date and time:

11 March 2022 at 5 pm UK time.

Format:

Online

Registration:

The seminar is free to attend. Please contact Mr Georgi Chichkov for an event link at georgi.chichkov@abdn.ac.uk

Summary:

The seminar will draw on Professor Emon's recent book, Jurisdictional Exceptionalisms, where he and co-author Urfan Khaliq integrate their respective research on private international law and Islamic law to address the contemporary legal challenges surrounding parental child abduction. The Hague Abduction Convention, 1980, remains a cornerstone convention that redresses the harm to children of parental child abduction. Yet Muslim Family Law States generally have not acceded to this convention. Professor Emon will recount the genesis of the book, which took shape in the form of government consultations, and grew into a more substantive academic analysis of a protracted problem that has for too long been analyzed only superficially. Interrogating the limits of legal scholarship, human rights analysis, and jurisdictional thinking, Professor Emon will illuminate, through the focus on this legal problem, the complex politics that shroud what are otherwise technical legal questions of jurisdiction.

International Tort Litigation in the Internet and Artificial Intelligence Era: An EU approach

Speaker:

Professor Guillermo Palao

Moderator:

Dr Patricia Živković

Date and time:

Wednesday 27 April 2022 at 3 PM UK time

Format:

Online

Registration:

The seminar is free to attend. Please contact Mr Georgi Chichkov for an event link at georgi.chichkov@abdn.ac.uk

Summary:

The emergence and consolidation of the 3rd and the 4th Industrial Revolutions have amounted to several complex legal risks. From a Private International Law perspective, those challenges often and directly affect the question of determining international jurisdiction in situations where the case enjoys an international character, due to the connection of the elements of the case to different national legal systems. In this respect, besides the well-known situations related to cross-border defamation and international infringement of Intellectual Property Rights through the internet, the recent developments in the field of Artificial Intelligence forced us to pay close attention to cases of products liability or accidents caused by autonomous vehicles related to the increasing use of algorithms. As a global phenomenon, the legal management of the litigation connected to tortious events which take place on the Internet has also drawn global attention by scholars and practitioners. This lecture aims to offer an EU perspective on the problems which arise from cross-border litigation in relation to the above-mentioned cases. More specifically, it will analyse and criticize both the currently diverse Regulations which apply in those situations, as well as the unequal approach followed by the ECJ, and the consequences derived from them.

Contact Information

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Konstantina Kalaitoglou

Editor of the Newsletter, at konstantina.kalaitoglou@abdn.ac.uk – Any queries regarding submissions to the next issue of the newsletter.