

The Queen Mary-UNIDROIT Institute of Transnational Commercial Law

11th Transnational Commercial Law Teachers' Meeting

'When is Commercial Custom Law? The Dialogue between Commercial Practice and the Law'

September 12-13, 2019
Morgan, Lewis & Bockius UK LLP
5-10 Saint Paul's Churchyard
London EC4M 8AL

Theme:

How written law and unwritten norms that guide behaviour in commercial spheres interface with each other and the effect on this exchange of features of the modern business context, including the use of technology.

Programme:

Thursday 12th September 2019

- 9am **Registration**
- 9.30am **Welcome by Sir Roy Goode (Oxford University)**
Welcome by Ignacio Tirado (UNIDROIT)
- 10am **Keynote: Fabrizio Cafaggi (European University Institute)**
- 10.30am **Tea and Coffee**
- 11am **Panel 1**
Customary practices in the modern business context 1: Governance and Enforcement
- Moderator:
Anna Veneziano (UNIDROIT)
10 mins
- Jeffrey Wool (Oxford University)**
Enforcement of international-law based rights in cross border commercial transactions
20 mins
- Thomas Keijser (Radboud University)**
Different approaches to enforcement under customary law, several transnational commercial law instruments and in new technological environments
20 mins
- Q&A (10 mins)**

12pm

Panel 2

Commercial custom as a source of law in civil and common law jurisdictions

Moderator:

Djakhongir Saidov (King's College London)

10 mins

Souichirou Kozuka (Gakushuin University)

The law and reality of the customary law in a Civil Law country: experiences of Japan

20 mins

Bruno Zeller (University of Western Australia)

The development of the Himalaya clause – a study in the change of the law through commercial practices

20 mins

Roland Djieufack (University of Bamenda)

References in statute to trade usages and practices: Lessons from the OHADA Law

20 mins

Q&A (20 mins)

1.30pm

Lunch

(For those interested, there will be a Roundtable discussion on the subject of *TCL and International Business to Consumer and Small Business Enterprises*, led by **Jeffrey Wool**)

3pm

Panel 3

Customary practices in the modern business context 2: The impact of Digitalisation

Moderator:

Chris Reed (Queen Mary University of London)

10 mins

Jane Winn (University of Washington)

The Limits of Commercial Custom as a Source of Cybersecurity Law

20 mins

Teresa Rodriguez de las Heras Ballel (Universidad Carlos III de Madrid)

International standards and state-of-the-art practices in the formulation of transnational commercial law rules for emerging technologies

20 mins

Q&A (10 mins)

4pm

Tea and Coffee

4.30pm

Panel 4

Conceptions (and misconceptions) of the nature of commercial custom: an interdisciplinary approach

Moderator:

Fabrizio Cafaggi (European University Institute)

10 mins

Lisa Bernstein (University of Chicago)

Emily Kadens (Midwestern University)

Closure, Not Custom—Past and Present

30 mins

Q&A (20 mins)

5.30pm **Roundtable discussion: The teaching of Transnational Commercial Law**

Moderator:

Thomas Keijser (Radboud University)

Gavin Sutter (Queen Mary University of London)

Pedro Mendoza Montano (Francisco Maroquín University)

Orsolya Toth (University of Nottingham)

6.30pm **Close**

All are warmly invited to a drinks reception following the closing remarks

Friday 13th September 2019

10am **Panel 5**
The historical role of commercial custom

Moderator:

Philip Rawlings (Queen Mary University of London)

10 mins

Henry Gabriel (Elon University)

Evolving Standards of Custom as Terms in Contracts for the Sale of Goods from in the Common Law of the Nineteenth Century to the Uniform Commercial Code by way of the English Sale of Goods Act and the Uniform Sales Act

20 mins

Caslav Pejovic (Kyushu University)

The role of customary law in shaping the system of the maritime carrier's liability

20 mins

Q&A (10 mins)

11am **Tea and Coffee**

11.30am **Panel 6**
Commercial custom and codification: the evolution of standards

Moderator:

Chris Southworth (International Chamber of Commerce, UK)

10 mins

Ulrich G. Schroeter (University of Basel)

The role of customs and usages in the practical application of various uniform law instruments

20 mins

Miklós Király (Eötvös Loránd University)

Instruments of uniform sales law and usages

20 mins

Fabrizio Marrella (Università 'Cà Foscari' Venezia)

The paradox of form and authority: codifying commercial customs through an International organization

20 mins

Q&A (20 mins)

1pm **Lunch**

2pm **Panel 7**
Commercial custom in out-of-court dispute resolution

Moderator:
Bernard Rix (20 Essex Street and Queen Mary University of London)
10 mins

Edgardo Muñoz López (Universidad Panamericana, Guadalajara)
Are the UNIDROIT PICC usages pursuant to Article 9 CISG and Art. 28 (4) UNCITRAL Model Law on International Commercial Arbitration (MAL)?
20 mins

Orsolya Toth (University of Nottingham)
Custom as the Lex Mercatoria
20 mins

Satya Mouland (Queen Mary University of London)
Common Approaches to Enforcement Jurisdiction
20 mins

Q&A (20 mins)

3.30pm **Tea and Coffee**

4pm **Roundtable discussion: The Future of Transnational Commercial Custom**

Moderator:
Louise Gullifer (Cambridge University)

Jane Winn (University of Washington)
Custom in Transnational Commercial Law: Hiding in Plain Sight

Nicolas Lozada Pimiento (Rincón Cuellar & Asociados)

Teresa Rodriguez de las Heras Ballell (Universidad Carlos III de Madrid)

5pm **Close**