
Yearbook
of
Private International Law

Vol. XIV
2012/2013

Founding Editors

Petar Šarčević † and Paul Volken

Editors

Andrea Bonomi and Gian Paolo Romano

PUBLISHED IN ASSOCIATION WITH
Swiss Institute of Comparative Law

s|e|l|p

sellier european law publishers

TABLE OF CONTENTS

Foreword	xi
-----------------------	----

Abbreviations	xii
----------------------------	-----

Doctrine

Marc FALLON / Thalia KRUGER The Spatial Scope of the EU's Rules on Jurisdiction and Enforcement of Judgments: From Bilateral Modus to Unilateral Universality?	1
Pierre MAYER Conflicting Decisions in International Commercial Arbitration	37
Horatia MUIR WATT A Semiotics of Private International Legal Argument.....	51
Thomas KADNER GRAZIANO Solving the Riddle of Conflicting Choice of Law Clauses in Battle of Forms Situations: The Hague Solution	71
Sirko HARDER Recognition of a Foreign Judgment Overturned by a Non-Recognisable Judgment	103
Marta REQUEJO ISIDRO The Use of Force, Human Rights Violations and the Scope of the Brussels I Regulation	113

A General Part for European Private International Law?

Stefan LEIBLE / Michael MÜLLER The Idea of a "Rome 0 Regulation"	137
Luís DE LIMA PINHEIRO The Methodology and the General Part of the Portuguese Private International Law Codification: A Possible Source of Inspiration for the European Legislator?	153

Protection of Personality Rights

William BENNETT New Developments in the United Kingdom: The Defamation Act 2013.....	173
Laura E. LITTLE Internet Defamation, Freedom of Expression, and the Lessons of Private International Law for the United States.....	181

Michel REYMOND	
Jurisdiction in Case of Personality Torts Committed over the Internet: A Proposal for a Targeting Test.....	205
Thomas THIEDE	
A Topless Duchess and Caricatures of the Prophet Mohammed: A Flexible Conflict of Laws Rule for Cross-Border Infringements of Privacy and Reputation	247

The Chinese Private International Law Acts: Some Selected Issues

Jin HUANG	
Creation and Perfection of China's Law Applicable to Foreign-Related Civil Relations	269
Yujun GUO	
Legislation and Practice on Proof of Foreign Law in China.....	289
Yong GAN	
Mandatory Rules in Private International Law in the People's Republic of China	305
Qisheng HE	
Changes to Habitual Residence in China's <i>lex personalis</i>	323
Guangjian TU	
The Codification of Conflict of Laws in China: What Has/Hasn't Yet Been Done for Cross-Border Torts?	341
Wenwen LIANG	
The Applicable Law to Rights <i>in rem</i> under the Act on the Law Applicable to Foreign-Related Civil Relations of the People's Republic of China	353
Weidong ZHU	
The New Conflicts Rules for Family and Inheritance Matters in China	369

News from Brussels

Susanne KNÖFEL / Robert BRAY	
The Proposal for a Common European Sales Law: A Snapshot of the Debate	385
Maria ÁLVAREZ TORNÉ	
Key Points on the Determination of International Jurisdiction in the New EU Regulation on Succession and Wills	409

National Reports

Adi CHEN

The Limitation and Scope of the Israeli Court's International
Jurisdiction in Succession Matters 425

Sandrine GIROUD

Do You Speak Mareva? How Worldwide Freezing Orders Are
Enforced in Switzerland..... 443

Anil MALHOTRA / Ranjit MALHOTRA

All Aboard for the Fertility Express:
Surrogacy and Human Rights in India 455

Tuulikki MIKKOLA

Pleading and Proof of Foreign Law in Finland..... 465

Zeynep Derya TARMAN

The International Jurisdiction of Turkish Courts on Personal Status
of Turkish Nationals 477

Forum

Rui PEREIRA DIAS

Suing Corporations in a Global World:
A Role for Transnational Jurisdictional Cooperation?..... 493

Johanna GUILLAUMÉ

The Weakening of the Nation-State and Private International Law:
The "Right to International Mobility" 519

Tamas Dezso CZIGLER / Izolda TAKACS

Chaos Renewed: The Rome I Regulation vs Other Sources of EU Law:
A Classification of Conflicting Provisions 539

Index 559