



ACADÉMIE DE DROIT INTERNATIONAL  
FONDÉE EN 1923 AVEC LE CONCOURS DE LA  
DOTATION CARNEGIE POUR LA PAIX INTERNATIONALE

RECUEIL DES COURS  
COLLECTED COURSES OF THE HAGUE  
ACADEMY OF INTERNATIONAL LAW

2019

*Tome 401 de la collection*

BRILL | NIJHOFF  
Leiden/Boston

GENERAL TABLE OF CONTENTS  
TABLE GÉNÉRALE DES MATIÈRES

Extraterritorial Enforcement of Regulatory Laws, by Diane P. WOOD, Chief Judge of the United States Court of Appeals . . . . .	9-126
Identité culturelle en droit international privé de la famille, par Yuko NISHITANI, professeur à l'Université de Kyoto. . . . .	127-450



## TABLE OF CONTENTS

Chapter I. History of the territoriality principle . . . . .	17
The rise of the nation-State and early concepts of regulatory competence . . . . .	18
The case of the <i>S.S. Lotus</i> . . . . .	21
<i>Lotus</i> today: <i>Hernández v. Mesa</i> . . . . .	28
Growth of the regulatory State . . . . .	30
American Law Institute Restatements . . . . .	32
Conclusion . . . . .	37
Chapter II. The spread of extraterritoriality and its consequences . . . . .	38
Chapter III. US case studies of extraterritorial conflict . . . . .	57
Antitrust/competition law . . . . .	57
Securities law . . . . .	63
Export controls . . . . .	72
Chapter IV. Extraterritoriality aimed at the United States . . . . .	79
Arab boycott of Israel . . . . .	80
The Organization of Petroleum Exporting Countries . . . . .	91
Disparate intellectual property protection . . . . .	96
Chapter V. Where do we go from here? . . . . .	101
Current problems . . . . .	102
Racketeering activity . . . . .	102
Foreign sovereign compulsion . . . . .	107
Data privacy . . . . .	110
Solutions . . . . .	116
Self-restraint . . . . .	116
Positive comity . . . . .	118
Mutual legal assistance treaties . . . . .	119
International standards with dispute resolution . . . . .	120
Jurisdictional conventions . . . . .	121
Conclusion . . . . .	122
Bibliography . . . . .	124