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 Maroquin University)**
**Orsolya Toth (University of Nottingham)**

6.30pm  **Close**

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

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**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)**
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 Rodríguez de las Heras Ballell (Universidad Carlos III de Madrid)

5pm  Close