

CONFERENCE GUIDEBOOK

会议指南

INTERNATIONAL CONFERENCE ON
THE 30TH ANNIVERSARY
OF THE RELEASE OF UPICC
AND THE GENERAL PRINCIPLES
OF THE CHINESE CIVIL CODE CONTRACT LAW

国际商事合同通则颁布30周年
暨中国民法典合同编通则国际研讨会

联合主办单位
国际统一私法协会
上海国际仲裁中心
中南财经政法大学
中国法学会民法学研究会

HOST
INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW
SHANGHAI INTERNATIONAL ARBITRATION CENTER
ZHONGNAN UNIVERSITY OF ECONOMICS AND LAW
CIVIL LAW SOCIETY OF CLS



温馨提示

INFORMATION

尊敬的各位与会专家：

欢迎您莅临“国际商事合同通则颁布30周年暨中国民法典合同编通则”国际学术研讨会。
为了方便您在会议期间及时了解会议议程与事务安排，特编印《会议指南》供您参阅。
如有需求或疑问，请您与会务组联系，我们的会务人员将及时为您处理。
祝您参会愉快！

会议时间及地点：
2024年11月11日（北京时间）
中国上海市茂名南路59号锦江饭店小礼堂

会务组联系人：
李 俊 139 7117 0810
冯之倍 (8621)-63875588*220
冯倩然 155 2759 2260

Distinguished guests,

Welcome to the International Conference on the 30th Anniversary of the Release of
UPICC and the General Principles of the Chinese Civil Code Contract Law.
This guide is intended to facilitate your understanding of the conference agenda
and arrangements.
If you have any requirements or questions, please contact us. We will deal with them
promptly.

Wish you a pleasant meeting!

Time and venue:
November 11th, 2024
Grand Hall, Jin Jiang Hotel Shanghai, 59 Maoming South Road, Shanghai, China

Contact:
Prof. Jun LI 139 7117 0810
Ms Zhibei FENG (8621)-63875588*220
Ms Qianran FENG 155 2759 2260

GENERAL AGENDA

会议议程

| | |
|---|-------------|
| 开幕致辞 | 09:00-09:20 |
| Opening Remarks | |
| 主旨演讲 | 09:20-10:10 |
| Keynote Speeches | |
| 合影&茶歇 | 10:10-10:20 |
| Group Photo&Coffee Break | |
| 论坛一 | 10:20-11:20 |
| Panel I | |
| UPICC国际模拟仲裁庭合作发布 | 11:20-11:30 |
| UPICC International Arbitration Moot Launch | |
| 论坛 二 | 11:30-12:30 |
| Panel II | |
| 论坛 三 | 14:00-15:00 |
| Panel III | |
| 论坛 四 | 15:00-16:15 |
| Panel IV | |
| 茶歇 | 16:15-16:25 |
| Coffee Break | |
| 论坛 五 | 16:25-17:25 |
| Panel V | |
| 闭幕致辞 | 17:25-17:45 |
| Closing Remarks | |

开幕致辞 OPENING REMARKS

主持人 Moderator

王唯骏 上海国际仲裁中心秘书长
Ms. Weijun WANG
Secretary General of Shanghai International Arbitration Center

致辞人 Speakers

09:00 / 09:10 马屹 上海市国际贸易促进委员会副会长、上海国际仲裁中心副主任
Dr. Yi MA
Vice Chairman of Council for the Promotion of International Trade Shanghai, Vice Chairman of Shanghai International Arbitration Center

09:10 / 09:20 徐涤宇 中南财经政法大学副校长、中国法学会民法学研究会副会长
Prof. Diyu XU
Vice President of Zhongnan University of Economics and Law, Vice Chairman of Civil Law Society of China Law Society

主旨演讲 Keynote Speech

09:20 / 09:45 发言人: Ignacio TIRADO 国际统一私法协会秘书长
主题: 国际统一私法协会《国际商事合同通则》三十周年: 过去、现在与未来
Speaker: Prof. Ignacio TIRADO
Secretary General of UNIDROIT
Topic: 30 Years of the UNIDROIT Principles of International Commercial Contracts (UPICC): Reflecting on the Past, Evaluating the Present, and Envisioning the Future

09:45 / 10:10 发言人: 王利明 中国法学会副会长、中国法学会民法学研究会会长
中国人民大学一级教授
主题: 中国《民法典》第585条违约金调整规则的实施
Speaker: Prof. Liming WANG
Vice Chairman of China Law Society, Chairman of Civil Law Society of China Law Society, Chair Professor of Renmin University of China
Topic: Implementation of Article 585 of the Chinese Civil Code of Liquidated Damages Adjustment Rules

10:10 / 10:20 合影&茶歇 Group Photo & Coffee Break

Panel I

论坛一

UPICC实施三十年的实践发展

The Practical Development of UPICC in Three Decades

主持人 Moderator

胡东海 中南财经政法大学教授，民商法典研究所主任

Prof. Donghai HU,

Professor of Zhongnan University of Economics and Law, Director of Civil Code Research Center

10:20 / 10:35 发言人: Anna VENEZIANO 国际统一私法协会副秘书长

主题: UPICC作为助力国际商业实践的全球性工具

Speaker: Prof. Anna VENEZIANO

Deputy Secretary General of UNIDROIT

Topic: UPICC as a Global Instrument for Enhancing International Commercial Practices

10:35 / 10:50 发言人: 韩世远 清华大学教授、中国法学会民法学研究会副会长

主题: 不能实现合同目的与情事变更: PICC的启示

Speaker: Prof. Shiyuan HAN

Professor of Tsinghua University, Vice Chairman of Civil Law Society of China Law Society

Topic: Frustration of Contract Purpose and Change of Circumstances: Insights from PICC

10:50 / 11:05 发言人: Henry GABRIEL 国际统一私法协会保理示范法工作组主席

美国埃隆大学教授

主题: 国际统一私法协会《国际商事合同通则》: 为何使用, 如何使用

Speaker: Prof. Henry GABRIEL

Chair of the UNIDROIT MLF Working Group, Professor of Elon University, USA

Topic: The UNIDROIT Principles of International Commercial Contracts: Why They Should Be Used and How to Use Them

11:05 / 11:20 发言人: 谢鸿飞 中国社会科学院法学研究所民法研究室主任

中国法学会民法学研究会副会长

主题: 买方履行能力显著降低时卖方的救济——CISG第71条、第72条与中国《民法典》的对比

Speaker: Prof. Hongfei XIE

Director of the Department of Civil Law, Institute of Law, Chinese Academy of Social Sciences, Vice Chairman of Civil Law Society of China Law Society

Topic: Remedies for the Seller When the Buyer's Ability to Perform is Significantly Reduced—the Comparison between CISG Articles 71 and 72 and Civil Code of the People's Republic of China



UPICC国际模拟仲裁庭合作发布 UPICC International Arbitration Moot Launch

11:20
/
11:30

主持人 Moderator

William BRYDIE-WATSON

国际统一私法协会高级法律官员、亚洲跨国法中心联合主任

Mr. William BRYDIE-WATSON,

Senior Legal Officer of UNIDROIT

Co-Director UNIDROIT Asian Transnational Law Centre

UPICC International Arbitration Moot Launch



2024
11.11

Panel II

论坛二

UPICC的法律适用与跨境贸易争议解决

Application of UPICC in Law and Cross-Border Trade Dispute Resolution

- **主持人 Moderator**
聂鑫 德国舍弗勒集团大中华区总法律顾问、上海国际仲裁中心仲裁员
Mr. Xin NIE, General Legal Advisor of Schaeffler Greater China,
Arbitrator of Shanghai International Arbitration Center
- 11:30 / 11:45 ● **发言人: 王唯骏 上海国际仲裁中心秘书长**
主题: 国际商事合同通则在中国仲裁的适用路径与发展展望
Speaker: Ms. Weijun WANG
Secretary General of Shanghai International Arbitration Center
Topic: The Application approach and Development Prospects of UPICC
in Arbitration in China

- 11:45 / 12:00 ● **发言人: 彭诚信 上海交通大学凯原法学院院长、教授**
主题: 债权多重让与的归属和清偿规则
Speaker: Prof. Chengxin PENG
Dean and Professor of KoGuan School of Law, Shanghai JiaoTong
University
Topic: Issues of Title and Performance in Multiple Assignments of
Claims
- 12:00 / 12:15 ● **发言人: Thiago REIS 巴西瓦加斯基金会圣保罗法学院教授**
主题: UPICC 与巴西基础设施投资合同
Speaker: Prof. Thiago REIS
Professor of FGV Sao Paulo Law School, Brazil
Topic: The UPICC and Infrastructure Investment Contracts in Brazil
- 12:15 / 12:30 ● **发言人: 王团团 北京金杜律师事务所上海分所权益合伙人, 上海国际仲裁中心仲裁员**
主题: 《民法典》合同编通则为跨境争议解决提供的多重制度保障
Speaker: Ms. Jianjian WANG
Equity Partner of King & Wood Mallesons Shanghai Office ,
Arbitrator of Shanghai International Arbitration Center
Topic: Multiple Institutional Safeguards for Cross-border Dispute
Resolution Provided by General Principles of Book of Contracts of
the Civil Code

Panel III

论坛三

UPICC与中国民法典合同编通则的互动

Interaction between UPICC

and the Chinese Civil Code Contract Law

主持人 Moderator

黄美玲 国际统一私法协会首席法律官、亚洲跨国法中心联合主任

中南财经政法大学罗马一大法与经济学院院长、教授

Prof. Meiling HUANG

Principal Legal Officer & Co-Director UNIDROIT Asian Transnational Law Centre, Dean and professor of ZUEL-SUR School of Law and Economics

14:00
/
14:15

发言人：金可可 华东政法大学法律学院院长、教授

主题：关于《国际商事合同通则》承诺迟发而迟到规则（第2.1.9条第1款）的一些思考

Speaker: Prof. Keke JIN

Dean and Professor of Law School, East China University of Political Science and Law

Topic: Some Reflections on the Rule of Late Acceptance of Undue Delay in UPICC Art. 2.1.9, Para. 1

14:15
/
14:30

发言人：王洪亮 清华大学法学院教授

主题：《国际商事合同通则》错误规则的比较与继受

Speaker: Prof. Hongliang WANG

Professor of School of Law, Tsinghua University

Topic: A Comparison with and Reception of Mistake Rules in the UNIDROIT Principles of International Commercial Contracts

14:30
/
14:45

发言人：朱晓喆 上海财经大学法学院副院长、教授

主题：罹于时效债权抵销之反思

Speaker: Prof. Xiaozhe ZHU

Vice Dean and Professor of School of Law, Shanghai University of Finance and Economics

Topic: Reflection on Set-Off of Time-Barred Claims

14:45
/
15:00

发言人：李世刚 复旦大学法学院副院长、教授

主题：合同法立法体例构建模式的选择与比较

Speaker: Prof. Shigang LI

Vice Dean and Professor of Law School, Fudan University

Topic: Choice and Comparison of the Construction Mode of Contract Law Legislative Style

Panel IV

论坛四

全球化背景下UPICC面临的挑战

Challenges of UPICC in the Context of Globalization

主持人 Moderator

宋茹祎 上海国际仲裁中心立案部部长

Mr. Ruyi SONG

Director of Case Filing Department, Shanghai International Arbitration Center

15:00 / 15:15 发言人: Roger HALSON 英国利兹大学合同与商法终身荣誉教授

主题: 英国和其他普通法司法管辖区的惩罚性条款

Speaker: Prof. Roger HALSON

Professor Emeritus of Contract and Commercial Law at the University of Leeds, UK

Topic: The Modern Law on Penalty Clauses in the UK and Other Common Law Jurisdictions

15:15 / 15:30 发言人: 朱虎 中国人民大学法学院副院长、教授

主题: 抵销中抵销人债权的确定性

Speaker: Prof. Hu ZHU

Vice Dean and Professor of Law School, Renmin University of China

Topic: The Certainty of the Offsetting Party's Claims in Off-set

15:30 / 15:45 发言人: Megumi HARA 国际统一私法协会保理示范法工作组成员

日本中央大学教授

主题: UPICC与日本民法改革: 诉讼中的有利契约原则

Speaker: Prof. Megumi HARA

Member of the UNIDROIT MLF Working Group, Professor of Law School, Chuo University, Japan

Topic: UPICC and Japanese Civil Law Reform: Principle of Favor Contractus in Action

15:45 / 16:00 发言人: Tran Kien 越南国立大学副教授

主题: UPICC移植到越南法律的成功经验: 一项社会主义国家改革的经验

Speaker: Prof. Tran Kien

Associate Professor of the University of Law, Vietnam National University, Vietnam

Topic: The Unexpected Success of The Transplantation of UPICC into Vietnamese Laws: Lessons Learnt from a Socialist Country in Reform

16:00 / 16:15 发言人: Howard LEIB 康奈尔大学法学院教授

主题: 国际统一私法协会《国际商事合同通则》和中国民法典合同编通则中合同的解释

Speaker: Prof. Howard LEIB

Professor of Law School, Cornell University, USA

Topic: Interpretation of Contracts Under UNIDROIT Principles of International Commercial Contracts (UPICC) and the General Provisions of Contract Law in the China Civil Code

16:15 / 16:25 茶歇 Coffee Break

Panel V

论坛五

中国民法典合同编通则及其司法解释的新发展

New Developments in the General Principles of the Chinese Civil Code Contract Law and its Judicial Interpretation

主持人 Moderator

李俊 中南财经政法大学法学院副院长、教授

Prof. Jun LI

Vice Dean and Professor of Law School, Zhongnan University of Economics and Law

16:25 / 16:40 发言人：罗昆 武汉大学法学院教授

主题：中国合同法对UPICC缔约制度的继承与发展

Speaker: Prof. Kun LUO

Professor of Law School, Wuhan University

Topic: The Reception and Development of UPICC Contracting System in Chinese Contract Law

16:40 / 16:55 发言人：孙良国 大连海事大学教授

主题：违约损害赔偿的计算与完善——PICC与我国民法典的相互借鉴

Speaker: Prof. Liangguo SUN

Professor of Dalian Maritime University

Topic: Calculation and Improvement of Damages for Breach of Contract—Mutual Learning from the PICC and China's Civil Code

16:55 / 17:10 发言人：熊丙万 中国人民大学法学院教授

主题：不可抗力、合同义务和风险分配：损失由谁承担？

Speaker: Prof. Bingwan XIONG

Professor of Law School, Renmin University of China

Topic: Force Majeure, Contractual Obligation and Risk Allocation: Where does the loss lie?

17:10 / 17:25 发言人：徐之和 上海国际仲裁中心研究部部长

主题：UPICC可否成为中国仲裁员的“常用工具”：以“合理期限”的认定为切入

Speaker: Mr. Zhihe XU

Director of Research Department at the Shanghai International Arbitration Center

Topic: An Analysis from the Perspective of 'Reasonable Time': Can UPICC Become a 'Common Tool' for Chinese Arbitrators?

闭幕致辞 CLOSING REMARKS

主持人 Moderator

李俊 中南财经政法大学法学院副院长、教授

Prof. Jun Li

Vice Dean and Professor of Law School, Zhongnan University of Economics and Law

17:25 / 17:35 致辞人 Speakers

黄美玲 国际统一私法协会首席法律官、亚洲跨国法中心联合主任

中南财经政法大学罗马一大法与经济学院院长、教授

Prof. Meiling HUANG

Principal Legal Officer & Co-Director UNIDROIT Asian Transnational Law Centre, Dean and Professor of ZUEL-SUR School of Law and Economics

17:35 / 17:45 杨光 上海国际仲裁中心副秘书长

Dr. Guang YANG

Deputy Secretary General of Shanghai International Arbitration Center