



ELI

EUROPEAN
LAW
INSTITUTE

2019 Annual Conference and Meetings

4–6 September 2019, Vienna
(Austria)



About the European Law Institute



Christiane Wendehorst, President

'Law has always played an important role in European legal integration, and it will continue to do so. 'Law made in Europe' also plays an increasingly visible role globally, promoting European values and driving innovation in the regulatory field worldwide. This is why we simply need to get European law right, and we need the voice of a vibrant European legal community to support this formidable task.'



Sjef van Erp, Vice-President

'Europe is facing several very serious challenges in areas where countries more and more seem to show a tendency to again look first for national solutions, although legal integration seems to be the more efficient approach. One such area is the impact of IT on law. The European Law Institute (ELI), given its non-governmental, independent and practice oriented character, can play a leading role here.'



Denis Philippe, Treasurer

'ELI is a unique forum where judges, academics and practitioners can meet and exchange ideas on new legal developments in Europe. Practitioners also have an excellent opportunity to participate in the development of European law and in the dialogue between the ELI and European institutions. In this way, ELI is uniquely able to facilitate communication between lawyers and policy makers in Europe.'

The law in Europe has a profound impact on the daily lives of European citizens, companies and organisations. As an independent organisation, ELI aims to improve the quality of law, support its development and contribute to its proper implementation both on a national and European level.

At the heart of ELI's activities are its projects, which can be either short to medium or long term: the former are usually projects that react to current developments, while the latter are proactive in nature and will often take several years of drafting. Alongside Hubs, which are national networks of ELI members, the ELI has also established Special Interest Groups (SIGs), through which it aims to scrutinise the latest, cutting-edge developments in the different fields of law. Participation in ELI activities is encouraged amongst all members, and those members wishing to play a particularly significant and decisive role in the functioning of the Institute can stand for election in the ELI Council. ELI members can also take part in various projects, either as Project Team members or as participants of Members Consultative Committees (MCCs). The ELI is proud of its diverse membership and values the variety of expertise and perspectives which it brings to the organisation.

The ELI is partly modelled on the American Law Institute (ALI), which was founded in 1923 and has since become a landmark institution in the American legal system. Like its American counterpart, the ELI aims to unite jurists of the highest standing from all branches and professions of the law. The Institute operates on its own initiative but is also open for cooperation with other institutions that share its vision. Since its foundation, the Institute has established close working relations with European institutions such as the European Parliament, the European Commission, the European Union Agency for Fundamental Rights (FRA), international organisations such as the Council of Europe, United Nations Commission on International Trade Law (UNCITRAL) and the International Institute for the Unification of Private Law (UNIDROIT), as well as organisations such as the Council of the Notariats of the European Union (CNUE), the European Network of Councils for the Judiciary (ENCJ) and the Academy of European Law (ERA).

Programme Overview

WEDNESDAY | 4 SEPTEMBER

VENUE: VIENNA CITY HALL

LICHTENFELSGASSE ENTRANCE | 1010 VIENNA

08:30 - 09:55 Registration (Council Only)

10:00 - 12:00 **Council Meeting**

10:10 - 12:00 Registration (All Others)

12:05 - 12:45 **Membership Meeting**

12:50 - 13:55 Lunch Break

14:00 - 14:30 **Welcome Address**

14:30 - 16:00 **Principles for a Data Economy**
(Presentation of Preliminary Draft No 2bis for the Solicitation of Feedback)
Lord John Thomas (chair)
Neil Cohen
Daniel Schönberger
Alain Strowel
Steven O Weise
Christiane Wendehorst

European Rules of Civil Procedure I
(Presentation of Consolidated Draft and Comments for the Solicitation of Feedback)

Welcome and Introduction

Matthias Storme
Anna Veneziano
Diana Wallis

Session 1: Case Management and Pleadings

John Sorabji (chair)
Anna Nylund
Rolf Stürner

Session 2: Evidence

Xandra Kramer (chair)
Fernando Gascon Inchausti
Nicolò Trocker

16:00 - 16:25 Coffee Break

16:30 - 18:00 **Artificial Intelligence and EU Administration**
(Presentation of the Project Proposal)
Marc Clément (chair)
Marta Infantino
Giampiero Lupo
Marcin Wiącek
Marek Wierzbowski
Katarzyna Ziółkowska

European Rules of Civil Procedure II
(Presentation of Consolidated Draft and Comments for the Solicitation of Feedback)

Session 3: Collective Redress

Remo Caponi (chair)
Christopher Hodges
Vincent Smith

Session 4: Appeals

Rolf Stürner (chair)
Christoph Kern
Raffaele Sabato

Concluding Remarks

Paul Oberhammer

19:00 - 22:00 **Evening Reception and Presentation of the ELI Young Lawyers Award and Hub and SIG of the Year Awards**

Welcome Address by Vice-Chancellor and Federal Minister for Constitutional Affairs, Reforms, Deregulation and Justice, Clemens Jabloner

VENUE: PALAIS TRAUTSON, AUSTRIAN MINISTRY OF JUSTICE | MUSEUMSTRASSE 7 | 1070 VIENNA

Programme Overview

THURSDAY | 5 SEPTEMBER

VENUE: VIENNA CITY HALL

LICHTENFELSGASSE ENTRANCE | 1010 VIENNA

08:00 - 09:00 Registration

09:00 - 10:15 The Protection of Adults in International Situations

(Presentation of Draft Final Project Output for the Solicitation of Feedback)

Adrian Ward (chair)
Pietro Franzina
Richard Frimston
Jan von Hein
Philippe Lortie

R&D Tax Incentives

(Final Presentation of Output)

Georges Cavalier (chair)
Rémi Barneoud
Karlis Ketners
Sabine Kirchmayr-Schliesselberger
Michael Lang

10:15 - 10:45 Coffee Break

10:45 - 12:00 Plenary Session: Model Rules on Online Intermediary Platforms I

(Final Presentation of Output)

Sjef van Erp (chair)
Elena Bargelli
Christoph Busch
Gerhard Dannemann

Hans Schulte-Nölke
Aneta Wiewiórowska-Domagalska
Fryderyk Zoll

12:05 - 12:45 **Keynote Speech: UNCITRAL Secretary Anna Joubin-Bret**

12:50 - 13:55 Lunch

14:00 - 15:15 Plenary Session: Model Rules on Online Intermediary Platforms II

(Final Presentation of Output)

Sjef van Erp (chair)
Elena Bargelli
Christoph Busch
Gerhard Dannemann

Hans Schulte-Nölke
Aneta Wiewiórowska -Domagalska
Fryderyk Zoll

15:15 - 15:40 Coffee Break

15:45 - 17:00 Blockchain Technology and Smart Contracts

(Presentation of Draft Project Output for the Solicitation of Feedback)

Sjef van Erp (chair)
Hubert Derrien
Nikolaus Forgó
Christopher Odinet
Juliette Sénéchal
Aura Esther Vilalta Nicuesa

Common Constitutional Traditions in Europe

(Presentation of Project Developments for the Solicitation of Feedback)

Mario Comba (chair)
Anneli Albi
Giancinto della Cananea
Michael Potacs
Daria de Pretis

17:05 - 17:30 Announcement of the Council Election Results

17:30 - 18:45 ELI Council Meeting (in its New Formation – Election of the Executive Committee)

19:30 - 22:00 **Gala Dinner**

VENUE: HOTEL SACHER | PHILHARMONIKERSTRASSE 4 | 1010 VIENNA

Programme Overview

FRIDAY | 6 SEPTEMBER

VENUE: JURIDICUM

SCHOTTENBASTEI 10-16 | 1010 VIENNA

09:00 - 10:40 **Business and Financial Law SIG Panel**
Company Law, Prudent Management and
Corporate Sustainability

09:00 - 10:40 **Intellectual Property Law SIG Panel**
The Remedies in Intellectual Property
(IP) Law: Do We Need Common
European Principles?

10:45 - 11:10 Coffee Break

11:15 - 12:40 **Italian Hub Panel**
New Technologies and the Law: The Impact on
Rules of Torts, Contracts and the Insurance Market

11:15 - 12:40 **Intellectual Property Law SIG Panel**
(Continued)

12:45 - 13:55 Lunch

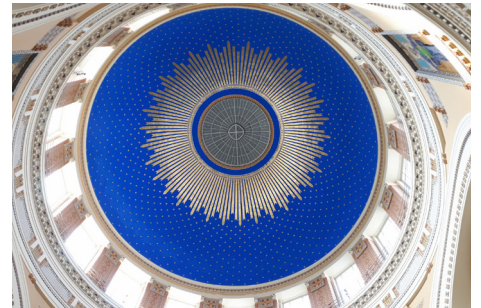
14:00 - 16:00 **Digital Law SIG Panel**
Algorithmic Regulation and Legal Services

14:00 - 18:00 **Intellectual Property Law SIG Panel**
(Continued)

16:00 - 17:30 **Family and Succession Law SIG Panel**
New Challenges of European Family and
Succession Law

19:00 - 22:00 **Social Event**

VENUE: HEURIGER PFARRWIRT | PFARRPLATZ 5 | 1190 VIENNA



Other Meetings of ELI Project Teams, Hubs and SIGs

The following are only open to members of the respective ELI Project Team members. ELI members that wish to join a particular Hub or SIG are welcome to attend the relevant meetings below.

THURSDAY | 5 SEPTEMBER

VENUE: VIENNA CITY HALL

LICHTENFELSGASSE ENTRANCE | 1010 VIENNA

- 12:50 - 13:55 **Informal Insurance Law SIG Meeting**
- 12:50 - 13:55 **Informal Fundamental Rights Law SIG Meeting**
- 12:50 - 13:55 **Informal Polish Hub Meeting**
- 12:50 - 13:55 **Fundraising Committee Meeting**

FRIDAY | 6 SEPTEMBER

VENUE: JURIDICUM

SCHOTTENBASTEI 10-16 | 1010 VIENNA

- 09:00 - 10:40 **German Hub Meeting**
Hörsaal 14
- 09:00 - 10:40 **Family and Succession Law SIG Meeting**
Hörsaal 21
- 09:00 - 12:15 **Tax Law Project Team Meeting**
Seminarraum 44
- 11:15 - 12:40 **Digital Law SIG Meeting**
Dachgeschoss
- 11:15 - 12:15 **Business and Financial Law SIG Meeting**
Hörsaal 14
- 14:00 - 15:40 **Global Private Law SIG Meeting**
Hörsaal 21
- 14:00 - 16:00 **Competition Law SIG Meeting**
Hörsaal 14
- 16:00 - 18:00 **Blockchain Technology and Smart Contracts Project Team Meeting**
Seminarraum 44



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INTERLEGES

the international association of independent law firms

 Federal Ministry
Republic of Austria
Constitutional Affairs, Reforms,
Deregulation and Justice



Supported by
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C.H. BECK

Fritz Thyssen Stiftung
für Wissenschaftsförderung



HART
PUBLISHING

Detailed Programme | Day 1 |

Wednesday, 4 September 2019

VENUE: VIENNA CITY HALL | LICHTENFELSGASSE ENTRANCE | 1010 VIENNA

| | | |
|---------------|---|--|
| 08:30 - 09:55 | Registration (Council Only) ENTRANCE HALL | |
| 10:00 - 12:00 | Registration (All Others) ENTRANCE HALL | Council Meeting (in its outgoing formation; Council members only) NORDBUFFET |
| 12:05 - 12:45 | Membership Meeting FESTSAAL | |
| 12:50 - 13:55 | Lunch Break FESTSAAL | |
| 14:00 - 14:30 | Welcome Address Christiane Wendehorst, ELI President Heinz W Engl, Rector of the University of Vienna Paul Oberhammer, Dean of the Law Faculty of the University of Vienna FESTSAAL | |



Christiane Wendehorst, ELI President

Christiane Wendehorst is professor of law at the University of Vienna. She is a member of the ALI, the *Academia Europaea*, the Austrian Academy of Sciences, the International Academy of Comparative Law and several international research groups. Before coming to Vienna, she held full professorships in Germany and served as Managing Director of the Sino-German Institute for Legal Studies. She is on the board of a range of academic bodies and associations and provides expert advice to governments and legislative bodies. Wendehorst is President of the ELI and is one of its Founding Members.



Heinz W Engl, Rector of the University of Vienna

Heinz W Engl is professor of industrial mathematics at the University of Linz and the Rector of the University of Vienna. He studied mathematics at Johannes Kepler University of Linz, a degree which was followed by a doctorate in 1977 and a habilitation in 1979. He became Vice-Rector of the University of Vienna in 2007 and subsequently Rector in 2013. Engl has received various prizes, including the Theodor Körner Prize in 1978, the Wilhelm Exner Medal in 1998 and the International Council for Industrial and the Applied Mathematics Pioneer Prize in 2007. He is also Honorary Professor of Fudan University Shanghai and has an Honorary Doctorate from Saarland University.



Paul Oberhammer, Dean of the Law Faculty of the University of Vienna

Paul Oberhammer is a Full Professor at the Faculty of Law of the University of Vienna and has been a Full Professor in Halle and Zurich. He specialises mainly in domestic and international civil procedure and enforcement, international insolvency and arbitration. He presently serves as Dean of the Faculty of Law of Vienna University, the host institution of ELI, and is a member of a working group of the ELI project 'From Transnational Principles to European Rules of Civil Procedure'.

14:30 - 16:00 **European Rules of Civil Procedure I (Parallel Session)**

16:30 - 18:00 **European Rules of Civil Procedure II (Parallel Session)**

(Presentation of Consolidated Draft and Comments for the Solicitation of Feedback)

NORDBUFFET

This flagship ELI-UNIDROIT project that aims at developing European rules of civil procedure entered its final stage. The Team produced the Consolidated Draft, which includes Rules and Comments, and will be presenting its work with the hope of receiving feedback at the ELI Annual Conference in Vienna. Two panels will be devoted to this project and the focus will be on some of the most critical parts of its output, namely 'Case Management and Pleadings', 'Evidence', 'Collective Redress' and 'Appeals'. With the participation of representatives of all the project's Working Groups as well as external experts, it is hoped that the discussions at these panels will help the Team to fine-tune the output before it is put to the vote by ELI bodies in February 2020.



Welcome and Introduction

Matthias Storme, Anna Veneziano, Diana Wallis

PANEL I (14:30 - 16:00)

Session 1: Case Management and Pleadings

John Sorabji (chair)
Anna Nylund
Rolf Stürner

Session 2: Evidence

Xandra Kramer (chair)
Fernando Gascon Inchausti
Nicolò Trocker

PANEL II (16:30 - 18:00)

Session 3: Collective Redress

Remo Caponi (chair)
Christopher Hodges
Vincent Smith

Session 4: Appeals

Rolf Stürner (chair)
Christoph Kern
Raffaele Sabato

Concluding Remarks

Paul Oberhammer

14:30 - 16:00 **Principles for a Data Economy (Parallel Session)**

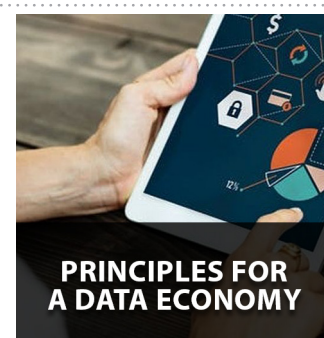
(Presentation of Preliminary Draft No 2bis for the Solicitation of Feedback)

FESTSAAL

Chair: Lord John Thomas

Panellists: Neil Cohen, Daniel Schönberger, Alain Strowel, Steven O Weise, Christiane Wendehorst

With the rise of an economy in which data is a tradeable asset globally, more certainty is needed with regard to the legal rules that are applicable to the transactions in which data is an asset. Critical questions arise such as who has which right with regard to the data generated by connected devices? They need to be answered urgently, as lack of clarity in this field potentially hinders innovation and growth and, more importantly, troubles consumers, data-driven industries, and start-ups. To address this problem, the ALI and ELI decided to produce a set of transnational principles for a data economy. The effect of their work will be presented by members of the Project Team during a panel on Principles for a Data Economy at the ELI Annual Conference 2019 in a form of a thoroughly revised Preliminary Draft No 2bis, with reactions from experts in the field.



16:00 - 16:25 **Coffee Break**

FESTSAAL

16:30 - 18:00 Artificial Intelligence (AI) and EU Administration (Parallel Session)

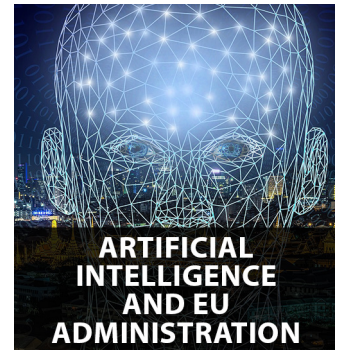
(Presentation of the Project Proposal)

FESTSAAL

Chair: Marc Clément

Panellists: Marta Infantino, Giampiero Lupo, Marcin Wiącek, Marek Wierzbowski, Katarzyna Ziółkowska

AI and algorithms more generally are transforming governments and institutions. Transparency, non-discrimination, accountability are some of the characteristics to build a trustworthy AI in Europe. However, administrations face more specific challenges in this regard. The proposed ELI project aims at developing model rules that could be applied in the context of the use of algorithms and AI by EU and Member State administrations.



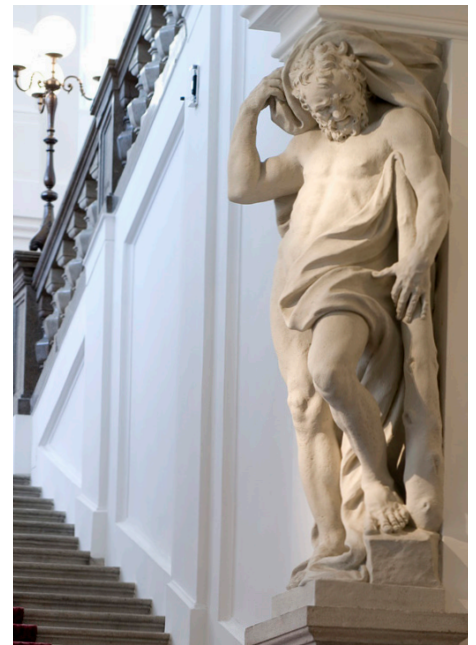
19:00 - 22:00 Evening Reception and Presentation of the ELI Young Lawyers Award and Hub and SIG of the Year Award

Welcome Address by Vice-Chancellor, Federal Minister for Constitutional Affairs, Reforms, Deregulation and Justice, Clemens Jabloner

VENUE: PALAIS TRAUTSON, AUSTRIAN MINISTRY OF JUSTICE
MUSEUMSTRASSE 7, 1070 VIENNA

Clemens Jabloner, Vice-Chancellor, Federal Minister for Constitutional Affairs, Reforms, Deregulation and Justice

Clemens Jabloner is currently Vice-Chancellor and Federal Minister of Constitutional Affairs, Reforms, Deregulation and Justice of the Republic of Austria. As part of the 'Hans Kelsen Professur' he was Professor at the Department of Legal Philosophy at the University of Vienna from 2014–2019 with a main focus on legal theory (especially the 'Pure Theory of Law' from Kelsen), legal methodology and constitutional and administrative law. Jabloner has served as President of the Supreme Administrative Court in Austria for 20 years (1993–2013). Between 1998–2003 he also chaired the Austrian Historical Commission. Since 2008 Jabloner has been Chairman of the Commission for Provenance Research.



Detailed Programme | Day 2 |

Thursday, 5 September 2019

VENUE: VIENNA CITY HALL | LICHTENFELSGASSE ENTRANCE | 1010 VIENNA

08:00 - 09:00 Registration
ENTRANCE HALL

09:00 - 10:15 **The Protection of Adults in International Situations (Parallel Session)**
(Presentation of Consolidated Draft and Comments for the Solicitation of Feedback)
FESTSAAL

Chair: Adrian Ward

Panellists: Pietro Franzina, Richard Frimston, Jan von Hein, Philippe Lortie

The increasing mobility of adults who are unable to protect their interests because of an impairment or insufficiency of their personal faculties has become an international concern. The difficulties arising out of the diversity of legal systems and the limited number of contracting parties to the Hague Convention of 13 January 2000 on the International Protection of Adults are among the reasons why the ELI embarked on such a project.

The project builds on the Resolution whereby the European Parliament requested the Commission to present a legislative proposal on the matter, and aims at determining concrete measures that the EU could adopt to enhance the operation of the Convention. The panel will discuss the proposals elaborated by the Team in light of the most recent developments, including the decision by the Council on General Affairs and Policy of the Hague Conference on Private International Law to convene a Special Commission to discuss the practical difficulties of the Hague Convention of 2000 and promote its ratification.



09:00 - 10:15 **R&D Tax Incentives (Parallel Session)**
(Final Presentation of Output)
NORDBUFFET

Chair: Georges Cavalier

Panellists: Rémi Barneoud, Karlis Ketners, Sabine Kirchmayr-Schliesselberger, Michael Lang

Research and Development (R&D) is one of the areas of particular interest for the EU. There are various methods of incentivising enterprises active in the field of R&D, ie through tax incentives. The R&D tax incentives that are currently in place are not harmonised within Europe. The European Commission proposed a Common Consolidated Corporate Tax Base (CCCTB), including a super deduction for qualifying tax expenses, with the aim of providing a common corporate tax base for EU Member States. Even if the future of the CCCTB is uncertain, it remains fundamental to establish a common definition of R&D in the tax field. EU super deduction and its possible relation with national tax incentives was widely debated, with the issue of the definition of qualifying R&D expenses eligible for super deduction at its centre. Following the approval by the ELI Council of this ELI project in November 2017, the Team is now ready to present its Statement, which provides for a general framework detailing what could be eligible for R&D tax incentives.



10:15 - 10:45 Coffee Break
FESTSAAL

10:45 - 12:00 Plenary Session: Model Rules on Online Intermediary Platforms I (Plenary Session)
14:00 - 15:15 Plenary Session: Model Rules on Online Intermediary Platforms II (Plenary Session)
(Final Presentation of Output)
FESTSAAL

The project on Draft Model Rules on Online Platforms is entering its final stage. This project aims at ensuring better protection of consumers and other platform users by providing clear solutions with regard to online platforms. The latter increasingly shape our economy as the number of platforms as well as their users is rapidly rising. The few provisions on platforms in the forthcoming new EU legislation can only be a first step. The next Commission will have to broaden and deepen the regulation of the platforms-based economy. Two sessions will present the rules elaborated by the Project Team and discuss them with the membership and stakeholders.



PANEL I (10:45 - 12:00)

Sjef van Erp (chair)

Elena Bargelli
Christoph Busch
Gerhard Dannemann
Hans Schulte-Nölke
Aneta Wiewiórowska-Domagalska
Fryderyk Zoll

PANEL II (14:00 - 15:15)

Sjef van Erp (chair)

Elena Bargelli
Christoph Busch
Gerhard Dannemann
Hans Schulte-Nölke
Aneta Wiewiórowska-Domagalska
Fryderyk Zoll

12:05 - 12:45 Keyote Speech: UNCITRAL Secretary Anna Joubin-Bret
FESTSAAL

Anna Joubin-Bret was appointed as Secretary of Vienna-based UNCITRAL in 2017. She has over 25 years of experience in international investment law and international investment dispute resolution, working both in international organisations and in the private sector. Prior to that function, she spearheaded the *Cabinet d'Avocats Joubin-Bret* and served as senior Legal Advisor to the Division on Investment, Technology and Enterprise Development of the United Nations Conference on Trade and Development (UNCTAD).



12:50 - 13:55 Lunch
FESTSAAL

15:15 - 15:40 Coffee Break
FESTSAAL



15:45 - 17:00 Blockchain Technology and Smart Contracts (Parallel Session)

(Presentation of Draft Project Output for the Solicitation of Feedback)

FESTSAAL

Chair: Sjef van Erp

Panellists: Hubert Derrien, Nikolaus Forgó, Christopher Odinet, Juliette Sénéchal, Aura Esther Vilalta Nicuesa

Blockchains are technologies for storing and transmitting data, allowing the constitution of replicated and distributed ledgers, without a central monitoring body, secured by cryptography, and structured by blocks linked to each other, at regular intervals of time. Smart contracts are auto enforceable code, running on top of a blockchain. Both technologies are profoundly changing many areas of private law transactions. Whether the current system of private law can readily cope with these novel forms of 'self-executing' agreements, or whether new solutions are required, are fundamental questions, which the ELI project on Blockchain Technology and Smart Contracts, as well as this panel, will try to answer.



15:45 - 17:00 Common Constitutional Traditions in Europe (Parallel Session)

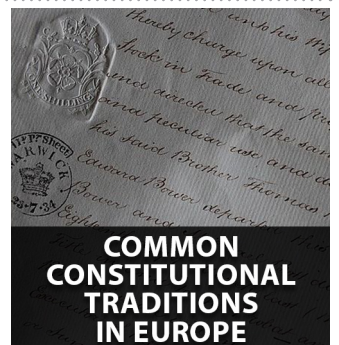
(Presentation of Project Developments for the Solicitation of Feedback)

NORDBUFFET

Chair: Mario Comba

Panellists: Anneli Albi, Giancinto della Cananea, Michael Potacs, Daria de Pretis

First used by the Court of Justice of the European Union (CJEU) in the judgment on the *Internationale Handelsgesellschaft* case and currently included in Article 6 of the Treaty on European Union, the term 'constitutional traditions common to the Member States' gets more and more attention. Reflection on what the common constitutional traditions in Europe are has never been more urgent than now. With various challenges we are facing in Europe, be it with regard to the rule of law, but also when it comes to ensuring effective access to justice and protection of fundamental rights, just to name but a few, it is essential to analyse what these values and traditions are and whether we have similar understandings of their content. This panel will aim at discussing those issues and presenting the developments in the Common Constitutional Traditions in Europe project.



17:05 - 17:30 Announcement of the Council Election Results

FESTSAAL

17:30 - 18:45 ELI Council Meeting (in its New Formation – Election of the Executive Committee)

FESTSAAL

19:30 - 22:00 Gala Dinner

VENUE: HOTEL SACHER | PHILHARMONIKERSTRASSE 4 | 1010 VIENNA



Detailed Programme | Day 3 |

Friday, 6 September 2019

VENUE: JURIDICUM SCHOTTENBASTEI 10–16 | 1010 VIENNA

09:00 - 10:40 Business and Financial Law SIG Panel (Parallel Session)

Company Law, Prudent Management and Corporate Sustainability

DACHGESCHOSS

The panel will provide analyses and evidence related to the ELI Business and Financial Law SIG's prospective project on corporate sustainability and company law from a variety of legal, economic and accounting perspectives. The draft focuses on the relation between corporate sustainability, extant company law on limited liability, the regulations governing company capital maintenance and related company disclosures (including for general purpose financial statements) within the European Union.

09:00–09:05 **Welcoming Remarks**

Yuri Biondi and Corrado Malberti (chairs)

09:05–09:20 **Financialising Companies and the Erosion of Equity Capital Maintenance**

Colin Haslam

09:20–09:35 **Accounting and Law for Equity Capital, Creditor Protection and Corporate Sustainability**

Clemence Garcia

09:35–09:50 **Corporate Sustainability and Cross-Border Mobility in the EU: Issues and Perspectives**

Hana Horak

09:50–10:40 **Discussion and Questions from the Audience**

Mario Abela, Martina Macpherson



09:00 - 18:00 Intellectual Property Law SIG Panel (Parallel Session)

Remedies in IP Law: Do We Need Common European Principles?

HÖRSAAL 22

Remedies, such as injunctions, damages, or claims for information, are increasingly of relevance in the policy debates in IP law. IP rights are believed to incentivise the creation and dissemination of new technical solutions and help to disclose their workings to the public in exchange for limited exclusivity.

Many books and articles have been written about different aspects of the IP system. Surprisingly, however, despite its high practical relevance, the issue of drafting, granting and enforcing remedies remains less clear in comparative legal literature. This is in stark contrast with their policy relevance. The panel will aim at discussing remedies as they are increasingly becoming important policy levers when adjusting the IP system to quickly changing industries and business practices.

09:00–09:10 **Welcoming Remarks**

Jorge Contreras [remote], Martin Husovec, Matěj Myška

09:10–10:40 **Could Principles for Intellectual Property Rights (IPR) Remedies be Useful?**

Martin Husovec (chair), Orit Fischman-Afori, John Golden, Willem Hoyng, Norman Siebrasse, Rafal Sikorski, Alain Strowel

11:15–12:40 **Do We Need Common European Principles for IPR Remedies?**

Matěj Myška (chair), Alessandro Cogo, Thibault Gisclard, Franz Hofmann, Peter Georg Picht [remote], Tomasz Targosz, Andreas Wiebe

14:00–15:40 **Book Discussion: National Chapters & Synthesis**

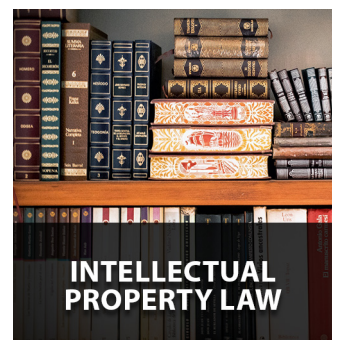
Jorge Contreras [remote] (chair), Martin Husovec (chair), Alessandro Cogo, Orit Fischman-Afori, Thibault Gisclard, John Golden, Willem Hoyng, Peter Georg Picht [remote], Norman Siebrasse, Rafal Sikorski, Tomasz Targosz

16:00–17:40 **Workshop on Injunctive Relief: Contrasting Approaches**

Lisa van Dongen (chair), all SIG participants

17:40–18:00 **Conclusions**

Martin Husovec, Matěj Myška



10:45 - 11:10 Coffee Break
DACHGESCHOSS/SEMINARSAAL 10

11:15 - 12:40 Italian Hub Panel (Parallel Session)

New Technologies and the Law: The Impact on Rules of Torts, Contracts and the Insurance Market
HÖRSAAL 21

The panel will focus on the impact of new technologies on legal categories such as liability rules and contracts. It will adopt insurance law as a case study, focusing on motor liability insurance and the use of black boxes, parametric insurance, big data analytics and information asymmetries, as well as the effects and intersections on the distribution system.

- 11:15–11:20 **Welcoming Remarks**
Riccardo de Caria (chair)
- 11:20–11:35 **New Technologies: Duty or Opportunity? The Case of Liability Rules and (Motor) Liability Insurance**
Diana Cerini
- 11:35–11:50 **The Use of Black Boxes in the Motor Liability Insurance: A Legal Perspective**
Pierpaolo Marano
- 11:50–12:05 **New Technologies for New Contracts: The Case of Parametric Insurance**
Alberto Monti
- 12:05–12:20 **Big Data Analytics, Risk, Uncertainty and Information Asymmetries**
Lydia Velliscig
- 12:20–12:35 **Effect and Intersections on the Distribution System**
Santa Nitti
- 12:35–12:45 **Questions from the Audience**

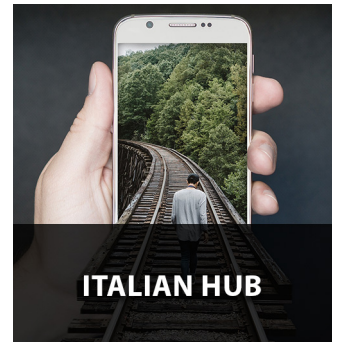
12:45 - 13:55 Lunch
DACHGESCHOSS/SEMINARSAAL 10

14:00 - 16:00 Digital Law SIG Panel (Parallel Session)

Algorithmic Regulation and Legal Services
DACHGESCHOSS

The rapid pace of technological innovation has a disruptive impact on the market for legal services. Legal Tech startups promise to offer easy and automated access to justice and challenge traditional providers of legal services. Legal text analytics powered by AI and data-driven prediction of court decisions have the potential of changing the way our legal system works. The panel brings together leading experts from law and computer science and offers an overview of innovative research projects in the field.

- 14:00–14:10 **Welcome Addresses, Scope and Aims of the Panel**
Alberto De Franceschi (chair)
- 14:10–15:30 **Artificial Intelligence and Liability Law**
Herbert Zech
- Metaphors, Judicial Frames and Fundamental Rights in Cyberspace**
Oreste Pollicino
- Granular Society – Granular Law? Individuality and Normative Models in the Data Society**
Christoph Busch
- Smart Contracts on a Blockchain: a New Paradigm to Automate Contractual Relationships**
Michele Marchesi
- 15:30–15:50 **Discussion and Perspectives for the Creation of a New ELI Working Group on Algorithmic Regulation and Legal Services**
- 15:50–16:00 **Concluding Remarks**
Christoph Busch



16:00 - 17:00 Family and Succession Law SIG Panel (Plenary Session)

New Challenges of European Family and Succession Law
HÖRSAAL 21

The panel aims at highlighting the current issues of EU Family and Succession law. In both areas EU regulations and national substantive laws closely intertwine and influence each other. The panel will focus on the new perspectives of international family law as well as on the impact of the EU Regulation (No 650/2012) on succession law.

- 16:00–16:10 **Opening and Welcome**
Elena Bargelli, Bea Verschraegen (chair)
- 16:10–16:25 **New Perspectives on International Family Law**
Bea Verschraegen
- 16:25–16:40 **Four Years of International Succession Law of the European Union: First Conclusions**
Anatol Dutta
- 16:45–17:00 **Family Law in Europe Academic Network: New Prospectives for Cross-Fertilisation within Legal Protection of Vulnerable Adults in Europe**
Masha Antokolskaia
- 17:00–17:15 **Recent Case Law of the Austrian Supreme Court in Family and Succession Law Cases**
Matthias Neumayr
- 17:15–17:30 **Discussion**
Elena Bargelli, Bea Verschraegen



**FAMILY AND
SUCCESSION LAW**

19:00 - 22:00 Social Event

VENUE: HEURIGER PFARRWIRT | PFARRPLATZ 5 | 1190 VIENNA



Speakers

Wednesday, 4 September 2019 | Day 1|



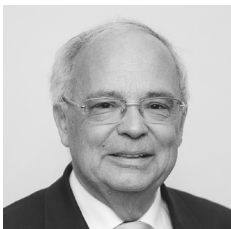
Remo Caponi is Full Professor of civil procedure at the University of Florence, School of Law. He is a Fellow of the Alexander von Humboldt Foundation and Senior Hauser Global Research Fellow, New York University. Caponi is also a Visiting Professor at the University of Heidelberg and member of the International Scientific Advisory Board of the Max Planck Institute for Procedural Law, Luxembourg. Additionally, he is a coordinator of the *Giurisprudenza italiana e tedesca* joint law degree programme at the University of Florence and at the University of Cologne. He has published four books and about 200 papers in Italian, English and German.



Marc Clément is a presiding judge at the Administrative Tribunal of Lyon. Since 2014 he has been a member of the French Environmental Authority (French national committee providing opinions on the quality of impact assessments in the context of public participation) and from 2015 a member of the Deontological Committee of the French Institute of Radioprotection and Nuclear Safety (IRSN). He has been a member of the Aarhus Convention Compliance Committee (UNECE) since September 2017.



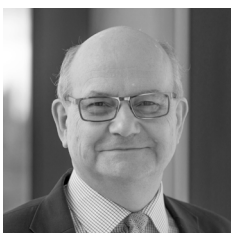
Neil Cohen is the Jeffrey D Forchelli Professor of law at Brooklyn Law School and serves as the Director of Research of the Permanent Editorial Board for the Uniform Commercial Code (UCC). Since 2009, he has been a member of the US Department of State's Advisory Committee on Private International Law. He has served as a member of the US delegation to UNCITRAL for its work on harmonising and modernising the law of secured credit, as a member of the Working Group at the Hague Conference on Private International Law and as an observer and Working Group member for the work of UNIDROIT in its development of principles for international contracts.



Heinz W Engl has been professor of industrial mathematics at the University of Linz and is the Rector of the University of Vienna. He received a doctorate in mathematics *sub auspiciis praesidentis* (1977) and a habilitation (1979) from Kepler University Linz. Engl received various prizes, including the Wilhelm Exner Medal (1998) and the International Council for Industrial and the Applied Mathematics Pioneer Prize (in 2007). He is an Honorary Professor at Fudan University Shanghai, has an Honorary Doctorate from Saarland University and is Full Member of the Austrian Academy of Sciences and *Academia Europaea*.



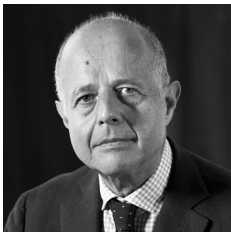
Fernando Gascón-Inchausti is professor of procedural law at Complutense University of Madrid, where he is also director of the European Law and Regional Integration Institute. Since his PhD on cross-border provisional measures (1997), European civil procedure has been one of his most visited research topics. He was a member of two Working Groups in the ELI-UNIDROIT project on From Transnational Principles to European Rules of Civil Procedure ('Res Judicata and Lis Pendens' and 'Appeals') and a Co-Reporter in the Working Group on 'Access to Information and Evidence'.



Christopher Hodges is professor of justice systems at the University of Oxford. His research and ideas on reforming regulatory and dispute resolution systems are in demand from governments across the world. He is especially known for expertise on disputes involving consumers (Alternative Dispute Resolution (ADR) and Ombudsmen), SMEs (Small Business Commissioners), personal injuries (no blame administrative schemes), property (Ombudsmen), States (tribunals) and international commerce (US-Iran Claims Tribunal). His academic approach is firmly evidence-based, and practical, building on 25 initial years as a City of London lawyer. He has been a member of many Ministerial and regulatory committees, ranging from medical devices to pharmacy and property agents to research ethics.



Marta Infantino is Associate Professor of comparative law at the University of Trieste, Italy. She is Associate Member of the International Academy of Comparative Law and she chairs the Tort Law Group within the 'Common Core of European Private Law' project led by Mauro Bussani and Ugo Mattei. She has published extensively on comparative contract law, comparative tort law, and global indicators. In 2013, she was awarded the Italian Lynx Academy's prize for emerging authors.



Clemens Jabloner is currently Vice-Chancellor and Federal Minister of Constitutional Affairs, Reforms, Deregulation and Justice of the Republic of Austria. He was Professor at the Department of Legal Philosophy at the University of Vienna from 2014–2019. Jabloner served as President of the Supreme Administrative Court of Austria for 20 years (1993–2013). Between 1998–2003 he chaired the Austrian Historical Commission. Since 2008, Jabloner has been Chairman of the Commission for Provenance Research.



Christoph A Kern is professor for private law and civil procedure and one of three directors of Heidelberg University's Institute for Comparative Law, Conflict of Laws and International Business Law. He holds a doctorate from the University of Freiburg and an LLM degree from Harvard Law School. He is Co-Reporter of the Working Groups on 'Judgments' and 'Appeals' in the ELI-UNIDROIT From Transnational Principles to European Rules of Civil Procedure project.



Xandra Kramer is professor of civil justice and private international law at Erasmus University Rotterdam and Utrecht University. Her research focuses on the functioning of civil justice systems, justice innovation and transnational litigation. She has been involved in multiple studies for the European Parliament, the European Commission and the Dutch Ministry of Justice. She is Principal Investigator of the European Research Council (ERC) consolidator project 'Building EU Civil Justice'.



Giampiero Lupo is a Researcher at the IGSG-CNR (Italian National Research Council). He received his PhD in Political Science – Comparative and European Politics in 2010 from the University of Siena and he has been a Researcher of the University of Bologna. He works and worked on several international projects and researches regarding e-justice and justice systems' organisation such as e-Codex and Towards Cyberjustice. He cooperates with the European Commission for the efficiency of justice (CEPEJ) and is a member of the Cyberjustice Lab at the University of Montreal.



Anna Nylund is professor of law at the University of Tromsø – the Arctic University of Norway. She heads the Research Group in procedural law and dispute resolution. Her main research fields are civil procedure, ADR and child law. She is a member of the board of the Nordic Association of Procedural Law and of several other international associations. She has numerous publications, speaks regularly at international events and serves frequently as an editor/reviewer.



Paul Oberhammer is a Full Professor at the Faculty of Law of the University of Vienna and has been a Full Professor in Halle and Zurich. He specialises mainly in domestic and international civil procedure and enforcement, international insolvency and arbitration. He presently serves as Dean of the Faculty of Law of Vienna University, the host institution of ELI, and is a member of a working group of the ELI project 'From Transnational Principles to European Rules of Civil Procedure'.



Raffaele Sabato was appointed as a judge in Italy in 1991. He also published and lectured on civil, international and EU law, procedural law, mediation and judicial ethics. As an expert of the Council of Europe, he has taken part in initiatives aimed at promoting reforms in legal systems. He has also served as member of the Consultative Council of European Judges since its beginning in 2000, having been its chair for two years. He has been a member of the ELI Council since 2015, and of the ELI Executive Committee since 2017. After being elected in January 2019, he took office as a judge of the European Court of Human Rights in Strasbourg on 6 May 2019, whereupon he stepped down as a member of the ELI Executive.



Daniel Schönberger is a Swiss technology lawyer and has been leading Google's Legal Department for Switzerland and Austria since 2008. His core focus is on copyright and data protection law as well as outsourcing and cloud projects. Daniel Schönberger holds an LLM in medical law and ethics from the University of Edinburgh and also conducts public policy and academic work around ethical and legal questions relating to emerging technologies. He is a lecturer at the law faculty of the Europa Institut at the University of Zurich and at the Zurich University of Applied Sciences (ZHAW) School of Management and Law.



Vincent Smith is visiting Fellow at the British Institute of International and Comparative Law, with a research interest in competition law and collective redress issues, and an Assistant Professor at ESCP Europe. He is also a consultant solicitor in England specialising in EU and competition law matters. In addition, he lectures at Queen Mary, University of London, where he teaches competition procedure to LLM candidates and is a working group member on the joint ELI-UNIDROIT project on harmonisation of civil procedure, focusing on multi-party litigation rules.



John Sorabji is the Senior Judicial Institute Fellow at University College London's (UCL) Judicial Institute as well as the Principal Legal Adviser to the Lord Chief Justice and Master of the Rolls. At UCL he convenes undergraduate and postgraduate courses on ADR, and on Principles of Civil Justice. He is also a Visiting Professor at the University of Paris-II where he teaches international law. He is an assistant editor of both the *International Journal of Procedural Law* and the *Civil Justice Quarterly*. He is a member of the White Book's editorial board and editor of *Civil Procedure News*. He has published widely on civil justice and acted as an expert for the Council of Europe.



Matthias Storme is Full Professor at the University of Leuven, Guest Professor at the Universities of Antwerp, Vilnius, Waseda Tokyo and China University of Political Science and Law (CUPL) Beijing, and a senior partner in a law firm in Ghent. He is joint Editor-in-Chief of the *European Review of Private Law* and of the *Tijdschrift voor privaatrecht* and was a member of the Commission on European Contract Law (Lando-Commission) and of the Compilation and Redaction Team of the Common Principles of European Contract Law (CoPECL) Network. He is a Founding Member of ELI.



Alain Strowel is professor at the UC Louvain and University Saint-Louis, Brussels where he teaches IP, media law and EU IT law. He gives copyright and design courses at the KU Leuven and Munich IP Law Center. He has been an Advocate at the Brussels bar since 1988, a trustee of the ERA in Trier and was elected to the *Academia Europaea* in 2012. He is the upcoming chair of the IP working group of the European Federation of Academies of Sciences and Humanities (ALLEA). His research focuses on data governance and the law of AI and platforms.



Rolf Stürner is professor of law at the University of Freiburg, Germany. As a Visiting Professor at Harvard Law School, New York University Law School and many other universities he has taught international civil litigation and comparative civil procedure. He served as a judge of the State Courts of Appeal of Karlsruhe and Stuttgart. He was President of the Association of German and Austrian Proceduralists, Co-Reporter of the ALI-UNIDROIT Project on Principles of Transnational Civil Procedure and he is now a member of the Steering Committee and the 'Structure Group' of the ELI-UNIDROIT Project on From Transnational Principles to European Rules of Civil Procedure.



Lord John Thomas served as Lord Chief Justice of England and Wales from 2013–2017. He was appointed a judge of the High Court of England and Wales in 1996, became Judge in Charge of the Court in 2002 and in 2003 he was appointed Lord Justice of Appeal. Lord Thomas was the Senior Presiding Judge for England and Wales (2003–2006) and Vice-President and then President of the Queen's Bench Division (2008–2013). He was President of the European Networks of Councils for the Judiciary (ENCJ) (2008–2010). He is an Honorary Fellow of Trinity Hall, Cambridge and serves as a member of the ELI Executive Committee.



Nicolò Trocker is professor of international civil litigation at the University of Trento. For many years he was professor of Italian and European civil procedure at the University of Florence. As a Visiting Professor he taught at the University of California at Berkeley, at Penn State Dickinson Law, at the University of Miami School of Law, at UCL, at the University of Munich, at the University of Nagoya and at the Lloyola of Los Angeles – Bologna Master Program. He has extensively written on topics of civil procedure, comparative law and conflict of laws. He was one of the speakers at the ELI-UNIDROIT Explanatory Workshop held in Vienna on 18–19 October 2013.



Anna Veneziano is Deputy Secretary-General of UNIDROIT. She is professor of comparative law at the University of Teramo and is affiliated to the University of Amsterdam as professor of European property law. Her educational background includes an LLM degree from Yale Law School and a PhD from the University of Firenze, as well as periods of study in Germany. Her main research areas are on international, comparative and European secured transactions and contract law. She sits on the Steering Committee of the ELI-UNIDROIT project on European Rules of Civil Procedure.



Diana Wallis is a Senior Fellow of the Law School at the University of Hull, a member of the Law Society's EU Committee, a Trustee of the ERA in Trier, a member of the Board of Trustees of the British Institute of International and Comparative Law (BIICL) as well as an Honorary Associate of the Centre for Socio-Legal Studies at the University of Oxford. After spending time as a litigation lawyer, she was a member of the European Parliament before acting as its Vice-President. Between 2013–2017, Wallis was President of the ELI and is currently also a member of the Chartered Institute of Arbitrators.



Steven O Weise is co-chair of the Principles for a Data Economy Project, a member of the Permanent Editorial Board for the Uniform Commercial Code (UCC), the Council of the ALI and Joint Study Committee on UCC and Emerging Technologies. He was a member of the Drafting Committee for Article 9 of the UCC. He is the American Bar Association's (ABA) Representative to the UNCITRAL Working Group on Security Interests. He was the chair of the Business Law Section of the American Bar ABA.



Christiane Wendehorst is professor of law at the University of Vienna. She is a member of the ALI, the *Academia Europaea*, the Austrian Academy of Sciences, the International Academy of Comparative Law and several international research groups. Before coming to Vienna, she held full professorships in Germany and served as Managing Director of the Sino-German Institute for Legal Studies. She is on the board of a range of academic bodies and associations and provides expert advice to governments and legislative bodies. Wendehorst is President of the ELI and is one of its Founding Members.



Marcin Wiącek is a professor at the Law Faculty of the University of Warsaw (Head of the Human Rights Division; Deputy Head of the Centre for Legal Aspects of Blockchain Technology). He is a legal expert at the Supreme Administrative Court. Wiącek worked at the Constitutional Court and is a former member of the Prime Minister's Legislative Council. He is a specialist in human rights, constitutional law and legal aspects of new technologies and has authored over 100 publications.



Marek Wierzbowski is a member of the ELI Council, co-chairs the Polish ELI Hub and co-chairs the ELI Administrative Law SIG. He is professor of law at Warsaw University School of Law and former Vice-Chancellor of Warsaw University; being active in private practice, he is a partner of Prof Wierzbowski & Partners Advocates and Legal Counselors; previously he was a partner of Weil, Gotshal & Manges and subsequently Linklaters. He has taught as a Visiting Professor at several American schools of law.



Katarzyna Ziółkowska is a Junior Researcher affiliated with the University of Warsaw, associate of the Research Centre on the Legal Aspects of Blockchain Technology and senior expert of the Polish National Centre for Research and Development where she provides legal assistance on the creation and management of programs aimed at start-up investments and support of industrial entrepreneurs and scientific units in the commercialisation of the result of their technologically advanced R&D works.

Thursday, 5 September 2019 | Day 2 |



Anneli Albi is professor of European law at the University of Kent. She co-edited the open access, ERC-funded book 'National Constitutions in European and Global Governance: Democracy, Rights, the Rule of Law' containing 29 national reports. These will be complemented by a Comparative Study. She holds a PhD from the European University Institute and LLB from the University of Tartu.



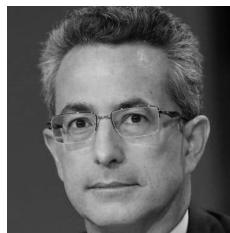
Elena Bargelli is currently professor of private law at the University of Pisa. She was a Research Fellow of the Alexander von Humboldt Stiftung at the Max Planck Institute in Hamburg from 2008–2009. She is currently a member of the ELI Council and Membership Committee and a chair of the Family and Succession Law SIG. She is also a member of the International Association of Comparative Law (IACL), the European Network for Housing Research (ENHR) and the European Centre of Tort and Insurance Law (ECTIL). In 2017 she was appointed as member of the Scientific Advisory Board of the European Tort Law (ETL). Her main areas of research are contract, tort, family and housing law.



Rémi Barnéoud is partner at Global Investment and Innovation Incentives at Deloitte Taj Insight in Lyon. He holds a MSc in physics and has more than 15 years of experience in the aerospace and telecom industry as R&D program and product manager. Since he joined Deloitte in 2009, Rémi has lead a team of engineers and tax attorneys specialised in assisting European and international companies with their R&D tax credit claims and grant applications in France, Belgium, UK and Canada.



Christoph Busch is professor of law at the University of Osnabrück, a member of the ELI Council and co-chair of the ELI Digital Law SIG. He is a member of the EU Expert Group for the Observatory on the Online Platform Economy and co-founder of the Journal of European Consumer and Market Law (EuCML). He is Principal Investigator of a research project on personalised law ('Granular Society – Granular Law?') funded by the Volkswagen Foundation under a 'Momentum' grant (2019–2024).



Giacinto della Cananea is professor of administrative law at Bocconi University. He has been awarded an advanced grant by the ERC for research on 'The Common Core of European Administrative Laws' (2016–2021) and the first prize in the 2018 'Altiero Spinelli Outreach Prize' for ReNEUAL's 'Model Rules' on EU administrative procedures. His last monograph is *Due Process of Law Beyond the State* (OUP, 2017).



Georges Cavalier is Associate Professor of law at the University of Lyon, director of the Lyon Tax LLM and Academic Director for International Programs (USA). He holds two PhDs in law and a LLM from Georgetown University Law Center. Georges was a member of the team drafting the 'Paying Taxes' section of the 'Doing Business' reports published by the World Bank Group. He is currently directing a collective research on European corporate tax with ELI.



Mario Comba is Full Professor of public comparative law at the University of Turin. Since 2013, he has served as the President of the University Institute of European Studies, and the director of the LLM program in 'Public Procurement Management for Sustainable Development'. From 2010 to 2013 he was President of the School of International Studies at the Faculty of Political Sciences at the University of Turin. He is the author of two books and over 70 contributions in books and law reviews. His forthcoming publications include an edited book on 'Modernising Public Procurement: The Approach of EU Member States' and the publication of a chapter on 'Dutch Public Administration: A Laboratory for the Evolution of the Separation of Powers Doctrine' in a book edited by GF Ferrari and W Voermans.



Gerhard Dannemann is professor of English law, British economy and politics at Humboldt University, Berlin and Visiting Research Fellow at the Institute of European and Comparative Law, University of Oxford. He is founder and general editor of the Oxford University Comparative Law Forum and Co-Reporter for the ELI project on Online Intermediary Platforms. His research interests include comparative law (contracts, torts and unjust enrichment), conflict of laws and academic integrity.



Hubert Derrien is a Notary in Laval and delegate to the High Council of the French Notariat. He was a member of the Commission for European Affairs and Legal Affairs until 2016, a member of the Bureau of the High Council of the French Notariat in charge of European and Legal Affairs until 2018 and has been President of the Mission Europe at the High Council of the French Notariat (since 2018).



Sjef van Erp is a professor of civil law and European private law at Maastricht University, where he teaches foundations of *Ius Commune*, comparative, European and Dutch property law. He is also deputy justice at the Court of Appeals in 's-Hertogenbosch. He is a member of the ALI. Van Erp is one of the ELI's Founding Members and is its current Vice-President.



Nikolaus Forgó is a professor for IT and IP law at the University of Vienna (since 2017) and an expert member of the Data Protection Council of the Republic of Austria (since 2018). Previously he was professor of IT law and legal informatics at Leibniz University Hannover (2000–2017). He has conducted research on IT law, in particular data protection and data security law, and acted as an expert for the European Commission, the German Research Foundation, the German Ethics Council and various German and Austrian ministries.



Pietro Franzina is Associate Professor of international law at the University of Ferrara, as well as Substitute Professor at the Catholic University of Milan. His main interests are in the field of private international law. He served as a delegate of Italy at various meetings of the Hague Conference on Private International Law (HCCH), and as a Trainer for the Italian School of the Judiciary and the European Judicial Training Network (EJTN). He is a member of the editorial board of the *Rivista di Diritto Internazionale Privato e Processuale*.



Richard Frimston is a consultant with Russell-Cooke LLP solicitors. He was a partner and head of private client until 2018. Frimston was a member of the EU group of experts on the EU Regulations 650/2012, 2016/1103 and 2016/1104. He is co-author of commentaries on those Regulations published by OUP, Sellier and Dalloz including one published by OUP on the International Protection of Adults and the 2000 Convention, Hague 35.



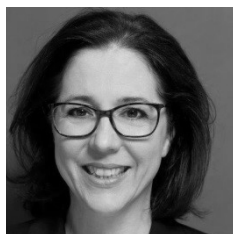
Jan von Hein is director of the Institute for Comparative and Private International Law, Department III, at the University of Freiburg. He is the Chairman of the 2nd Commission of the German Council for Private International Law, and the volume editor of one of the leading commentaries on German PIL, the *Münchener Kommentar zum Bürgerlichen Gesetzbuch* (7th edn 2018), as well as the author of a commentary on the Hague Adults Protection Convention (Staudinger/von Hein, 3rd edn 2019).



Anna Joubin-Bret was appointed as Secretary of Vienna-based UNCITRAL in 2017. She has over 25 years of experience in international investment law and international investment dispute resolution, working both in international organisations and in the private sector. Prior to that function, she spearheaded the *Cabinet d'Avocats* Joubin-Bret and served as senior Legal Advisor to the Division on Investment, Technology and Enterprise Development of the UNCTAD.



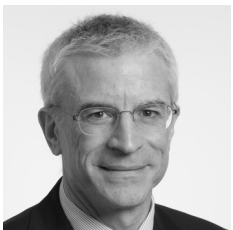
Karlīs Ketners is professor of taxation and public finance at BA School of Business and Finance. Ketners has more than 20 years of experience in public administration in Latvia and is now a director of Budget Policy Development Department at the Ministry of Finance. Ketners' experience in public sector includes position of State Secretary and Deputy State Secretary at Ministry of Health (2015–2017), director of the Budget Department of the Ministry of Finance (2004–2006) and Director General of the State Revenue Service (2003–2004). Ketners is an author of various scientific publications on taxation matters, including on Tax Policy in the European Union's Environment (2013).



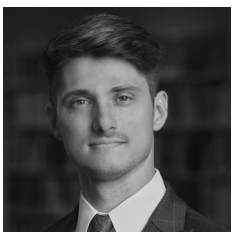
Sabine Kirchmayr-Schliesselberger is professor of finance law at the University of Vienna. She studied law and business, economics & social studies at the University of Innsbruck and received her habilitation in 2003. From 2004–2010, she was a professor at the University of Salzburg. Kirchmayr-Schliesselberger has been working as a tax consultant for several years.



Michael Lang is a professor of tax law and has been the Vice-Rector for Human Resources of WU (Vienna University of Economics and Business) since October 2015. At WU, he is also Head of the Institute for Austrian and International Tax Law and Academic Director of both the LLM Program in International Tax Law and the Doctoral Program in International Business Taxation (DIBT). He is President of the Austrian Branch of the International Fiscal Association (IFA).



Philippe Lortie joined the Secretariat of the HCCH in September 2001. He is primarily responsible for the 2000 Protection of Adults and the 2007 Child Support Conventions as well as its 2007 Protocol on Applicable Law. He is also responsible for the International Hague Network of Judges and the Judges' Newsletter. Lortie is in charge of the development of iSupport, the electronic case management and secure communication system under the 2007 Convention.



Christopher Odinet is a law professor at the University of Oklahoma. His primary interests focus on the intersection of law, credit and technology. He is a delegate to the ULC and serves on the ELI's Access to Digital Assets Project Team. He is also active within the Association of American Law Schools where he serves as the chair of the Commercial and Consumer Law Section and is a member of the Executive Committee of the Financial Institutions and Consumer Financial Protection Section.



Michael Potacs is currently professor for constitutional and administrative law at the University of Vienna with particular focus on economic administrative law. After completing his studies in law (Dr iur 1983) and philosophy (Dr phil 1986) at the University of Vienna and his habilitation in public law (1991) at the Vienna University of Economics and Business, he was a researcher and lecturer at the University of Freiburg im Breisgau. From 1995–1998, he worked as a civil servant at the Constitutional Service of the Austrian Federal Chancellery (1997–1998 as department head). Prior to his current position, he was professor for public law at the University of Klagenfurt (1998–2010) and for Austrian and European public law at the Vienna University of Economics and Business (2010–2017).



Daria de Pretis is a Judge of the Italian Constitutional Court, appointed in November 2014 by the President of the Republic. She is a Full Professor of Administrative Law at the University of Trento, where she served as Rector. Her research areas include Administrative Law, European Law, Gender Studies, Constitutional Law. She sits in the scientific and editorial board of a number of academic law journals and is member of different law associations.



Hans Schulte-Nölke is professor of law and legal history at the European Legal Studies Institute at the University of Osnabrück and professor of law at the Radboud University Nijmegen. He is the author of several books and of a large number of articles in several European journals. He regularly advises committees of the European and the German parliaments as well as national ministries and international organisations. He was also elected to the *Academia Europaea* in 2016, is one of the ELI's Founding Members and serves as a member of the ELI Executive Committee.



Juliette Sénéchal is Associate Professor of private law at the University of Lille. She conducts research and lectures in the area of European private law, e-commerce law, consumer law and contract law. As director of the Contracts, Consumer and E-Commerce Working Group of the Trans Europe Experts Network, she was project leader in studies for the French Ministry of Economy and for the French Ministry of Justice.



Aura Esther Vilalta Nicuesa is senior lecturer of civil law at the *Universitat Oberta de Catalunya*. Her research interests focus on contract and consumer law, online dispute resolution and smart contracts. She is researcher at the Internet Interdisciplinary Institute (IN3), member of DDI AGAUR Consolidated Research Group, member of the National Center of Technology and Dispute Resolution (NCTDR) and Fellow of ELI. Vilalta has served as expert and Spanish delegate at the UNCITRAL Working Group III Online Dispute Resolution.



Adrian D Ward is an international expert in law for people with disabilities affecting their cognitive and volitional capabilities, or wishing to plan for such disabilities. He has lectured and advised, and his prolific output of books and articles has been published in many countries over more than three decades. His scholarship and advisory work has a practical basis in a long career as a working lawyer. He co-edited 'The International Protection of Adults' (OUP, 2015).



Aneta Wiewiórowska-Domagalska is a senior researcher at Osnabrück University. She holds a PhD from Utrecht University. Former Researcher of the Study Group on a European Civil Code (co-author of Principles of European Law on Sales), she worked in Poland for the Ministry of Justice and the Civil Law Codification Commission. As a private and consumer law expert she was one of the persons responsible for the transposition of EU consumer law in Poland. She is also a Co-Reporter of the ELI's Model Rules on Online Intermediary Platforms project. She is currently working on her habilitation thesis.



Fryderyk Zoll is professor at Jagiellonian University of Cracow and the University of Osnabrück. He was a member of the Redaction Committee of the Acquis Group, the Common Frame of Reference Team, the Polish Committee of Jurisprudence and the ELI. Zoll has been involved in many projects, such as the Research Group on the Existing EC Private Law – Acquis Group and the Leonardo da Vinci Project.

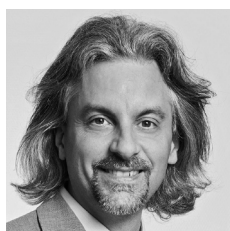
Friday, 6 September 2019 | Day 3 |



Mario Abela is a director of Redefining Value at the World Business Council for Sustainable Development (WBCSD). His expertise is in corporate reporting and he has extensive regulatory and standard-setting experience. Mario is a Visiting Professor at the *Institut d'Economie Scientifique et de Gestion* (IESEG) and an expert advisor to the UNCTAD on corporate reporting. He is also an observer on the International Auditing and Assurance Standards Board (IAASB) Extended External Reporting (EER) Task Force; Mario is a member of the International Organization for Standardization (ISO) Working Group on Corporate Governance and a member of the Institute of Chartered Accountants of Scotland (ICAS) research committee. He is also currently completing his PhD.



Masha Antokolskaia is professor of family law at *Vrije Universiteit Amsterdam* and a Head of the Amsterdam Centre of Family Law (ACFL). Masha is also a chair of the Family Law in Europe Academic Community (FL-EUR), a member of the Executive Council of the International Society of Family Law (ISFL), an Editor-in-Chief of the open-access peer-reviewed journal, *Family&Law*, as well as a member of several editorial boards. Her main field of interest are comparative & domestic family law, elderly protection and empirical legal studies.



Yuri Biondi is senior tenured Research Fellow of the National Centre for Scientific Research of France (CNRS) at University Paris Dauphine PSL (IRISSO). He is the founding editor of the journal 'Accounting, Economics and Law: A Convivium' and convener of the Society for the Advancement of Socio-Economics (SASE) Research Network in 'Accounting Economics and Law'. He is the chair of the Business and Financial Law SIG and Council member of the ELI. Further information at: <<http://yuri.biondi.free.fr/>>.



Riccardo de Caria is an assistant professor of comparative public law at the University of Turin. His research interests cover the regulation of new technologies, with a particular focus on blockchain and smart contracts, business law, the legal risk of start-ups, and comparative constitutional law, with a focus on economic regulation and lobbying regulation. He is also a member of the Italian bar and an occasional op-ed contributor to Italian national newspapers.



Diana Cerini is a Full Professor of comparative private law at the School of Law, University of Milano-Bicocca. She is the author of several books and papers regarding, among others, insurance law, financial services and tort law. She has conducted research at national and international level and has been a Visiting Professor at various foreign universities. She has been a member of the Arbitration Committee of the Bank of Italy and has longstanding experience in legal counselling and arbitration.



Alessandro Cogo is professor of business and IP law at the University of Turin, where he serves as scientific director of the LLM in IP programme jointly offered with the World Intellectual Property Organization. He is a member of *Association Littéraire et Artistique Internationale* (ALAI) and International Association for the Protection of Intellectual Property (AIPPI), he sits in the standing committee on copyright law of the latter association. Cogo is also a member of the editorial boards of *Annali italiani del diritto d'autore, della cultura e dello spettacolo* (AIDA), *Giurisprudenza Annotata di Diritto Industriale* (GADI), and *Giurisprudenza Italiana* (business law section), he has published extensively on copyright, patent and trademark law.



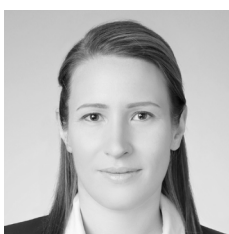
Anatol Dutta holds a chair of private law, private international law and comparative law at the Ludwig Maximilians University Munich. Previously, he was Fellow at the Max Planck Institute for Comparative and Private International Law in Hamburg (2003–2014) and professor at the University of Regensburg (2014–2017). Dutta is a member of the editorial board of the *Zeitschrift für das gesamte Familienrecht* (FamRZ), a leading family law journal for practitioners and academics in Germany, and a member of the German Council of Private International Law (Federal Ministry of Justice) and has a special interest in family and succession law, from a private international law as well as comparative and interdisciplinary perspective.



Alberto De Franceschi is Associate Professor of private law at the University of Ferrara. He is co-chair of the ELI's Digital Law SIG and a member of the Italian National University Council. He is Founding Member and co-editor of the *Journal of European Consumer and Market Law* (EuCML) and of the *Italian Law Journal*. His research focuses on issues related to the supply of digital content, privacy regulation, online platforms and the draft of a European Business Code.



Orit Fischman-Afori is professor and Dean at the Haim Striks School of Law, College of Management. Her research focuses on IP and law and technology. She publishes on the relationship between IP property and human rights and remedies law as well. Fischman-Afori is a graduate of LLB (*magna cum laude*) and PhD in law from the Hebrew University of Jerusalem. She served as a Guest Researcher at California University, Berkley and Cambridge University. Orit Fischman-Afori teaches a variety of courses in the field of IP and the mandatory course on corporate law.



Clemence Garcia is Associate Professor of accounting at Gakushuin University, and a Guest Professor at Keio Business School. She specialises in financial accounting and the history of financial regulation in the US, France and Japan. Garcia was a member of several study groups on the International Financial Reporting Standards (IFRS) adoption in Japan (2010–2011) and on accounting regulations for SMEs (2011–2014). Her most recent research projects focus on intangible assets recognition, goodwill and patent measurement.



Thibault Gisclard is Associate Professor of intellectual property (IP) law at the University of Lille. After a MSc in biomedical sciences, he devoted his PhD thesis (Sorbonne, with scholarship from Max Planck Institute Hamburg) to the comparative analysis of the right of publicity. His research now focuses mostly on biotechnological and pharmaceutical patent law, and on the interactions between the law of obligations and IP law, notably as regards damages for infringement of IP rights.



John Golden is the Loomer Family professor in law at the University of Texas at Austin, where he has taught administrative law, contracts, patent law, and seminars on innovation and IP. John has a JD from Harvard Law School and a PhD in physics from Harvard University. After law school, John clerked for the Honorable Michael Boudin of the United States Court of Appeals for the First Circuit and for the Honorable Stephen Breyer of the United States Supreme Court.



Colin Haslam is professor of accounting and finance at Queen Mary University of London. His research centres on financial reporting and business model viability. He has acted as technical advisor to the European Financial Reporting Advisory Group European (EFRAG) disclosure project and United Nations Environment Program (UNEP/GHG) carbon-risk initiative. In 2019 he gave evidence to the UK Government Public Administration and Constitutional Affairs Committee investigation on the collapse of Carillion.



Franz Hofmann is professor of law at the Friedrich-Alexander-Universität Erlangen-Nürnberg where he holds the chair of Private Law, IP Law and Technology Law. His research focuses on IP law and unfair competition law as well as on the law of remedies and liability questions. Particularly, he is interested in questions related to digitisation (eg copyright in the digital single market). Hofmann studied law at the Universität Bayreuth and at the University of Cambridge. He qualified as a professor of private law, IP law, business law and civil procedure law in June 2016 at the Ludwig-Maximilians-Universität München.



Hana Horak is a tenured professor of commercial law at Faculty of Economics and Business, University of Zagreb, Jean Monnet chair holder. She is a Fellow of ELI and a member of the Business and Financial Law SIG. She is an *ad personam* partner of the Jean Monnet Inter-University Centre of Excellence, Opatija, Croatia and a member of the International Chamber of Commerce (ICC) Commission on Corporate Responsibility and Anti-Corruption.



Willem Hoyng has been a professor of IP law at the University of Tilburg since 1988 and a member of a select group of lawyers admitted to appear before the Dutch Supreme Court. His practice primarily consists of litigating in the field of IP law. He is a member of the drafting committee of the Rules of Proceedings of the future Unified Patent Court (UPC) and member of the Advisory Committee of the UPC Preparatory Committee. He also advises the Dutch Ministry of Economic Affairs on UPC matters.



Martin Husovec is Assistant Professor at Tilburg University appointed jointly by the Tilburg Institute for Law, Technology and Society (TILT) and Tilburg Law and Economics Center (TILEC). He is also an Affiliated Scholar at the Center for Internet and Society (CIS) of Stanford Law School. His scholarship focuses on innovation and digital liberties, in particular, regulation of IP and freedom of expression. Martin obtained his PhD from the Max Planck Institute for Innovation and Competition and Ludwig Maximilian University in Munich for his work on injunctions against intermediaries (published with CUP, 2017). He was a Visiting Researcher at Stanford Law School (2014), the Japanese Institute for Intellectual Property (2015), the Central European University (2018) and the European University Institute (2018).



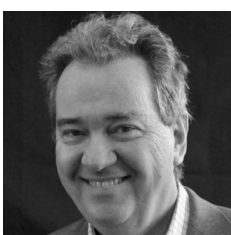
Martina Macpherson is President of the Network for Sustainable Financial Markets, a global environmental, social and governance (ESG) network for the next generation of sustainable finance experts. She is the Founder of SI Partners Ltd, a consulting firm specialising in ESG research and analytics solutions. Martina is a Doctoral Fellow at International Certified Risk Management Professionals (ICRMP) UK, a Visiting Fellow at Henley Business School and a guest lecturer at University of Zurich. She trains professionals in sustainable finance, impact investing and corporate governance. She sits on a range of ESG working groups, advisory boards and panels to assess the status of the market.



Corrado Malberti is an Associate Professor of commercial law at the University of Trento. From 2010 to 2015, he was an Associate Professor of commercial law at the University of Luxembourg, where he was the director of the Master 1 in European Law. He graduated from the University of Milan. He completed an LLM at the University of Chicago and a PhD in commercial law at Bocconi University. He has published widely in the fields of company law and financial market regulation in English, Italian and French.



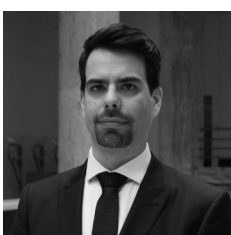
Pierpaolo Marano is Associate Professor of insurance law and regulation at the Catholic University of Milan, a scholar in residence at the University of Connecticut, School of law – Insurance Law Center, an Honorary Fellow at the University of Hong Kong – Asian Institute of International Financial Law and Affiliate Faculty at the Department of Insurance of the University of Malta. Marano is a member of the Insurance and Reinsurance Stakeholder Group at European Insurance and Occupational Pensions Authority (EIOPA) and he chairs the Scientific Committee of the International Association of Insurance Law – Europe.



Michele Marchesi is professor of software engineering at the Department of Mathematics and Computer Science of Cagliari University. He began to work on cryptocurrencies and blockchain in 2014, and since then he has studied the Bitcoin market, the quality of blockchain software, the release of new blockchain and Distributed Ledger Technologies (DLT), and various real blockchain applications. He is promoting the use of the sound software engineering method, Agile BlockChain Dapp Engineering (ABCDE), proposed by his research group, for the development of blockchain applications.



Alberto Monti is Full Professor of comparative law at the University School for Advanced Studies IUSS Pavia. He was admitted to the *Albo Speciale Cassazionisti e Giurisdizioni Superiori*. His research and practice focus on torts, contracts, insurance/reinsurance, banking and financial laws. He holds a JD from the University of Milan, an LLM from NYU Law (Hauser Global Scholar) and a PhD from the University of Trento. Since 2002 he has collaborated with the Organisation for Economic Cooperation and Development (OECD, Paris).



Matěj Myška is a Senior Assistant Professor at the Institute of Law and Technology. Myška's professional focus is on Information and Communications Technology (ICT) law and IP, particularly digital copyright. Myška is the deputy Editor-in-Chief of the first Czech law journal specialised in ICT law, the Review of Law and Technology (*Revue pro právo a technologie*). He also assists the Technology Transfer Office of the Masaryk University as a lawyer and is the Legal Lead of the Creative Commons Czech Republic.



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Matthias Neumayr is a professor of law at the Department of Private Law, University of Salzburg. He has been a judge since 1984 and a judge of the Austrian Supreme Court since 2001. During the period of 2005–2009 he took part in various projects of judicial cooperation and reform projects in the Western Balkans and Azerbaijan and in 2016–2017 he was a member of the Working Group of the ELI project on Empowering European Families: Towards More Party Autonomy in European Family and Succession Law. He is an author of numerous publications.



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Norman Siebrasse is professor whose research and writing focuses on patent remedies and Canadian patent law. He was a member of the Steering Committee for the International Patent Remedies for Complex Products (INPRECOMP) project, and was a co-editor of the resultant volume Patent Remedies and Complex Products: Towards a Global Consensus (CUP, 2019). He joined the University of New Brunswick (UNB) Law Faculty in 1993, after clerking at the Supreme Court of Canada.



Rafal Sikorski is professor of law at the Faculty of Law of Adam Mickiewicz University in Poznań where he teaches IP, civil and private international law as well as European Union law. In 2000 he completed an LLM course in International Business Transactions at the Central European University in Budapest. In 2005 he obtained his PhD from Adam Mickiewicz University. His major research areas include: patent remedies, intersection of IP and competition law, standardisation and standard essential patents, as well as private ordering in patent law. He has published on patent pools, standard-essential patents (SEPs) and standard-setting, patent remedies, conflicts-of-law rules for IP contracts and IP infringement as well as copyright law.



Tomasz Targosz is Assistant Professor at the chair of IP Law at the Jagiellonian University in Kraków and a partner at Traple Konarski Podrecki & Partners. He specialises in intellectual property law, in particular in copyright as well as patent law, and in unfair competition law. He has published widely on IP rights, including monographs, commentaries and journal articles. He is a founding member of ALAI Poland.



Lisa Van Dongen currently works as course coordinator, lecturer and junior researcher at Tilburg University. She graduated *cum laude* from the Master's Degree Programmes Law and Technology and International and European Law: EU Economic and Competition Law at Tilburg law School. Her PhD research focuses on judicial remedies in patent infringement cases, exploring flexibilities in EU legislation on remedies and the role industry-specific features and innovation could and/or should play.



Lydia Velliscig is Assistant Professor of comparative law at the University School for Advanced Studies IUSS Pavia. She received her PhD (2010, comparative law) from the University of Milan. She is a member of the Italian Society for Comparative Legal Research (SIRD) and of the International Association for Insurance Law (AIDA) – Lombardia section. Her main research areas are on comparative and European private law and include topics related to insurance law and financial markets law.



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Andreas Wiebe is professor of IP law and ICT law at the University of Göttingen, Germany and director of the LLM Programme on European and Transnational IP and ICT Law. Former positions include professorship at Vienna University of Economics and Business Administration and guest professorships at Stanford Law School and at the University of Nanjing. He is also an active member of the German Society of Intellectual Property Law (GRUR) and the Austrian chapter of the *Association Littéraire et Artistique Internationale* (ALAI).



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The Secretariat of the ELI, which is hosted by the University of Vienna, is located in the heart of the Austrian capital, close to the main building of the University, the representation of the European Commission in Austria as well as the information office of the European Parliament.

We cordially invite you to visit us whenever you are in Vienna.



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