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International Economic and Trade Law 2020



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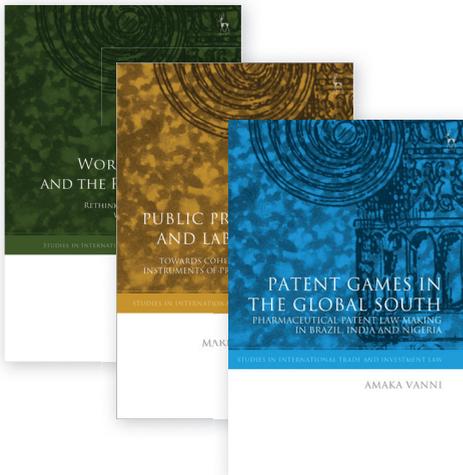
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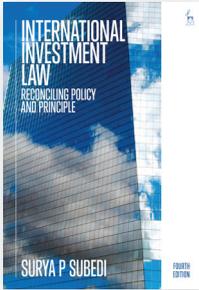
This series explores how China's legal system interacts on the economic stage with international actors. Written by leading scholars, the series offers unique perspectives into this fascinating and complex aspect of China's law and international economic law.



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Surya P Subedi

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– Kate Miles, *Australian International Law Journal*

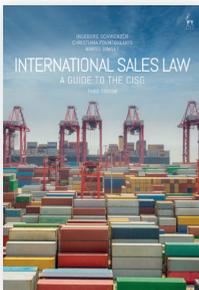
The updated edition of this acclaimed book offers a critical overview of the law of foreign investment, incorporating a thorough analysis of the principles and standards of treatment available to foreign investors in international law.

It is authoritative and multi-layered, offering an analysis of the key issues and an insightful assessment of recent trends in the case law, from both developed and developing country perspectives.

*Surya P Subedi QC, DCL, OBE is Professor of International Law at the University of Leeds and Barrister at Three Stone Chambers, Lincoln's Inn, London.*

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Jun 2020 | 9781509936366 | 368pp | Pbk | RSP: £41.99



## THIRD EDITION

### International Sales Law

A Guide to the CISG

*Ingeborg Schwenzer, Christiana Fountoulakis and Mariel Dimsey*

This is the third edition of the casebook providing an article-by-article analysis of the CISG Convention. Offering a fully updated range of materials, this casebook is an excellent starting point for learning about the Convention and will be particularly useful for international trade lawyers, practitioners and students. The commentary on each article is accompanied by extracts from cases and associated

comparative materials, as well as references to important trade usages such as the INCOTERMS® 2010. The book features an updated selection of the most significant cases, each of which has been abridged to enable the reader to focus on its essential features and the relevant questions arising from it. The case extracts are accompanied by a comprehensive overview of parallel provisions in other international instruments, uniform projects and domestic laws.

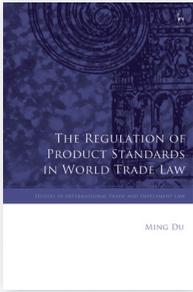
*Ingeborg Schwenzer is Professor Emerita of Private Law at the University of Basel, Switzerland.*

*Christiana Fountoulakis is Professor of Private Law and European Private Law at the University of Fribourg, Switzerland.*

*Mariel Dimsey is an arbitration and international sales law specialist and is currently based in Hong Kong.*

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Apr 2019 | 9781509919628 | 920pp | Pbk | RSP: £49.99



## The Regulation of Product Standards in World Trade Law

*Ming Du*

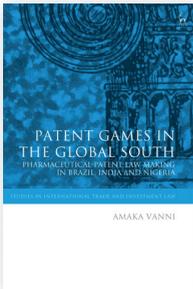
This book has two purposes. The first is to provide a critical analysis of how governmental, private and hybrid product standards are regulated in the GATT/WTO legal framework. The second is to explore the impact that WTO disciplines may have on the composition, function and decision-making process of various standard-setting bodies, through the lens of a series of selected case studies including the EU eco-labelling scheme, ISO standards, and private standards such as GlobalGAP.

The book analyses what role, if any, the WTO may play in making product standards applied in international trade embody not only technological superiority, but also substantive and procedural fairness, such as deliberation, representativeness, openness, transparency, due process and accountability.

*Ming Du is Professor of Law and Director of the Centre for Chinese Law and Policy at Durham University.*

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Oct 2020 | 9781509931132 | 312pp | Hbk | RSP: £70



## Patent Games in the Global South

Pharmaceutical Patent Law-Making in Brazil, India and Nigeria

*Amaka Vanni*

Winner of the 2018 SIEL–Hart Prize in International Economic Law.

This thought-provoking book takes three examples of emerging markets (Brazil, India, and Nigeria) and tells their stories of pharmaceutical patent law-making.

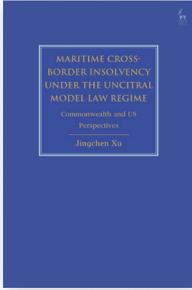
Adopting historiographical and socio-legal approaches, focus is drawn to the role of history and to how social networks shape the framing of, and subsequently the responses to, national implementation of international patent law.

This book makes an original and useful contribution to the understanding of how both states and non-state actors conceptualise, establish and interpret pharmaceutical patents law, and its domestic implications on medicines access, public health and development.

*Amaka Vanni holds a PhD in International Economic Law from the University of Warwick and is a legal scholar and documentary filmmaker based in Lagos, Nigeria.*

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Feb 2020 | 9781509927395 | 256pp | Hbk | RSP: £65



## Maritime Cross-Border Insolvency under the UNCITRAL Model Law Regime

Commonwealth and US Perspectives

Jingchen Xu

This book covers the pressing issues of cross-border cases involving admiralty and bankruptcy law. For example, what should happen when a shipowner files an insolvency proceeding in one country, while at the same time facing an in rem action against its vessel in another country? Should the in rem action arising in one country be stayed or dismissed because of the existence of insolvency proceedings in another country?

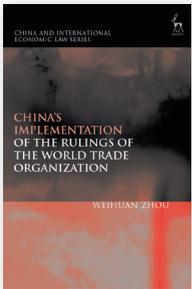
The book discusses the relevant issues regarding the treatment of maritime creditors in the insolvency proceeding, the determination of the “centre of main interest” of an offshore shipping company, and the scope of a debtor’s assets. The author uses a comparative law analysis, selecting four leading shipping countries – Australia, the UK, the US, and Singapore – and examining their approaches to the above three problems when applying the UNCITRAL Model Law regime.

The book also proposes a solution to help eliminate the ambiguity that occurred in maritime cross-border insolvency cases under the UNCITRAL Model law regime, with an eye to enhancing the development of the shipping industry.

*Jingchen Xu is Post-doctoral Fellow at the Centre for Maritime Law, National University of Singapore.*

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Dec 2020 | 9781509935994 | 208pp | Hbk | RSP: £80



## China's Implementation of the Rulings of the World Trade Organization

Weihuan Zhou

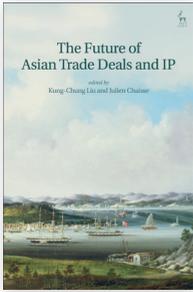
Amid the ongoing crisis surrounding the WTO, China's role and behaviour in the multilateral trading system has attracted overwhelming attention. This timely monograph provides the first comprehensive and systemic analysis of China's compliance with the rulings of the WTO's dispute settlement mechanism (DSM). It covers all the disputes in which China has been a respondent during its 17-year WTO membership and offers a detailed discussion of China's implementation of adverse WTO rulings, its approaches to settling WTO disputes, the possible explanations for such approaches, and post-compliance issues. The book shows how China has utilised the limitations and flexibilities of WTO rulings to ensure that its implementation of the rulings not only delivers adequate compliance but also maintains its own interests.

Overall, this book argues that the issues relating to the quality of China's compliance and post-compliance practices concern the loopholes within the DSM itself which may be utilised by all WTO Members. However, despite the loopholes, China's record of compliance suggests that the DSM has been largely effective in inducing compliance and influencing domestic policy-making. It is therefore in the interest of all WTO Members and other stakeholders to protect the DSM as the 'crown jewel' of the multilateral trading system.

*Weihuan Zhou is Senior Lecturer and a member of the Herbert Smith Freehills CIBEL Centre at the Faculty of Law, University of New South Wales (UNSW) Sydney.*

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Oct 2019 | 9781509913558 | 280pp | Hbk | RSP: £70



## The Future of Asian Trade Deals and IP

*Edited by Kung-Chung Liu & Julien Chaisse*

The withdrawal from the Trans-Pacific Partnership (TPP) by the US marks a new era for trade deals and possibly for intellectual property (IP).

The first part of this edited collection sets out to re-examine some basic principles of trade negotiation, such as choosing the right representatives to negotiate and enhancing transparency as a cure to the public's distrust against trade talks; moreover, it analyses how CPTPP might impact on RCEP's IP chapter and examines the possible norm setters of Asian IP. It then focuses on the PRC's trade and IP strategy against the backdrop of the power games between the PRC, India and the US.

The second part of the book reflects on issues related to investor–state dispute settlement and its relationship with IP, such as how to re-calibrate the balance in international investment arbitration, and whether compulsory license of IP constitutes expropriation in India, the PRC and select ASEAN countries.

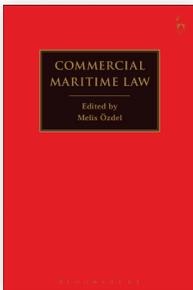
The third part of the book questions and strives to improve some of the proposed IP provisions of CPTPP and RCEP and to redefine some aspects of international IP norms, such as: pre-grant patent opposition and experimental use exception; patent term extension; patent linkage and data exclusivity for the pharmaceutical sector; plant variety protection; pre-established damages for copyright infringement; and the restructuring of copyright limitations in the public interest.

*Kung-Chung Liu is the Lee Kong Chian Professor of Law (Practice) and the Director of the Applied Research Centre for Intellectual Assets and the Law in Asia (ARCIALA) at Singapore Management University.*

*Julien Chaisse is Professor of Law at the City University of Hong Kong and Advisory Board Member of the Asian Academy of International Law (AAIL).*

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## Commercial Maritime Law

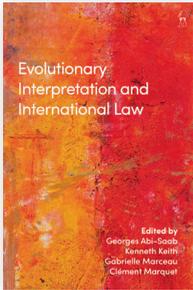
*Edited by Melis Özdel*

This book unravels the complexities of bridging the gap between common law and civil law in commercial maritime law and discusses whether the title "Commercial Maritime Law" will remain a misnomer despite the countless attempts at harmonisation. In this book, internationally renowned legal scholars and practitioners discuss the areas in which the common law and civil law are divided; the impact of these differences on the drafting and ratification of international conventions; the search for a common framework; and the procedural aspects of the common law and civil law divide in commercial maritime law.

*Dr Melis Özdel (MCIArb) is a Lecturer in Commercial and Maritime Law at University College London and Director of the UCL Centre for Commercial Law.*

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Apr 2020 | 9781849466752 | 232pp | Hbk | RSP: £70



## Evolutionary Interpretation and International Law

*Edited by Georges Abi-Saab, Kenneth Keith, Gabrielle Marceau and Clément Marquet*

This unique book brings together leading experts from diverse areas of public international law to offer a comprehensive overview of the approaches to evolutionary interpretation in different international legal regimes. It begins by asking what interpretation is, offering the views of expert authors on the question, its components and definitions. It then comments on situations that have called for evolutionary interpretation in different international legal regimes, including general international law, environmental law, human rights law, EU law, investment law, international trade law, and how domestic courts have, on occasions, interpreted treaties and other international legal instruments in an evolutionary manner.

This timely, authoritative compendium offers an in-depth understanding of the processes at work in evolutionary interpretation as well as a prime selection of the current trends and future challenges.

*Georges Abi-Saab is Honorary Professor at the Graduate Institute, Geneva, Switzerland, former Chairman of the Appellate Body, World Trade Organization and a member of the Institut de Droit International.*

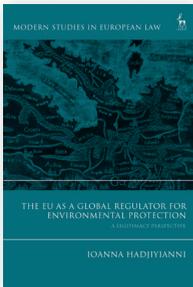
*Kenneth Keith is Professor Emeritus at the Victoria University of Wellington, New Zealand, former judge of the International Court of Justice and a member of the Institut de Droit International.*

*Gabrielle Marceau is Associate Professor at the Law Faculty, University of Geneva, Switzerland and Senior Counsellor, Legal Affairs, World Trade Organization.*

*Clément Marquet is a PhD candidate at the University of Geneva, Faculty of Law.*

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## The EU as a Global Regulator for Environmental Protection

*A Legitimacy Perspective*

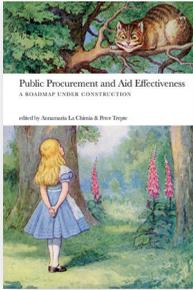
*Ioanna Hadjiyianni*

This book critically examines the extension of EU environmental legislation beyond EU borders through measures that determine access to the single market on the basis of processes that take place in third countries. It makes a timely contribution to political debates about the relations between EU and non-EU countries, and the Union's role in the global governance of environmental policy, where it has been considered a global leader. The book aims to identify and explain the emerging legal phenomenon of internal environmental measures with extraterritorial implications as an important manifestation of EU global regulatory power, and assesses the extraterritorial reach of EU environmental law from a legitimacy perspective. It examines mechanisms that can bolster its legitimacy, focusing on the legal orders of the EU and the World Trade Organization, which are key legal fora for controlling the EU's global regulatory power.

*Ioanna Hadjiyianni is a Lecturer in Law at the University of Cyprus.*

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## Public Procurement and Aid Effectiveness

A Roadmap under Construction

*Edited by Annamaria La Chimia and Peter Trepte*

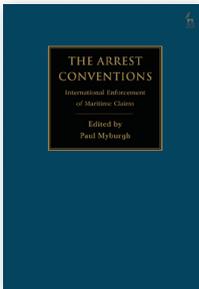
This edited collection fills a significant gap in the literature by gathering contributions from the most prominent academics and practitioners of aid and procurement. It explores the economic, political and legal relationship between procurement and aid effectiveness in developing countries, and takes stock of current debates in the field. More specifically, the contributions analyse the failures and successes of current initiatives to foster effectiveness and streamline the aid procurement process, and address current themes emerging in the literature related to development, procurement and aid success. A pivotal and timely publication, *Public Procurement and Aid Effectiveness* will be of interest to a varied and multicultural international audience and a wide range of actors working on aid effectiveness, development, procurement and good governance initiatives in both donor and beneficiary countries.

*Annamaria La Chimia* is Professor of Law and Development at the School of Law, University of Nottingham and Research Fellow at the African Procurement Law Unit, Department of Mercantile Law, Stellenbosch University.

*Peter Trepte* is Senior Fellow in Public Procurement Law at the University of Nottingham and a Practising Barrister with Littleton Chambers in London and of Counsel to Grayston & Company in Brussels.

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Aug 2019 | 9781509922437 | 416pp | Hbk | RSP: £80



## The Arrest Conventions

International Enforcement of Maritime Claims

*Edited by Paul Myburgh*

The Arrest Conventions, signed in 1952 and 1999, play a fundamental role in the worldwide enforcement of maritime claims. Arrest of ships is one of the most distinctive features of international maritime law. It provides a powerful, efficient and effective means of enforcing maritime claims in rem, obtaining sufficient asset security and preserving property pending substantive proceedings. Ship arrest is, however, also a draconian power that cuts across property rights and can cause considerable commercial harm to shipowning interests. This book provides thematic and comparative analysis from leading international commentators on the most significant legal and policy issues, including practical problems arising from the Arrest Convention texts, as well as the direct implementation or indirect 'translation' of the Arrest Conventions into domestic legal systems. It critically analyses the political and historical development of the Conventions, explores the key concepts underpinning the Arrest Convention frameworks and considers the future of ship arrest.

*Paul Myburgh* is an Associate Professor and the Deputy Director of the Centre for Maritime Law at the National University of Singapore

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## SEVENTH EDITION

# Dalhuisen on Transnational Comparative, Commercial, Financial and Trade Law

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*Jan H Dalhuisen*

This is the seventh edition of the leading work on transnational and comparative commercial and financial law, covering a wide range of complex topics in the modern law of international commerce, finance and trade. As a guide for students and practitioners it has proven to be unrivaled. The work is divided into three volumes, each of which can be used independently or as part of the complete work.

Volume one covers the roots and foundations of private law; the different orientations and structure of civil and common law; the concept, forces, and theoretical basis of the transnationalisation of the law in the professional sphere; the autonomous sources of the new law merchant or modern *lex mercatoria*, its largely finance-driven impulses; and its relationship to domestic public policy and public order requirements.

Volume two deals with transnational contract, movable and intangible property law.

Volume three deals with financial products and financial services, with the structure and operation of modern commercial and investment banks, and with financial risk, stability and regulation, including the fall-out from the recent financial crisis and regulatory responses in the US and Europe.

All three volumes may be purchased separately or as part of this set.

*Jan H Dalhuisen* is Professor of Law at King's College London and Chair in Transnational Financial Law at the Catholic University in Lisbon.

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## Trade Relations after Brexit

*Edited by Friedemann Kainer and René Repasi*

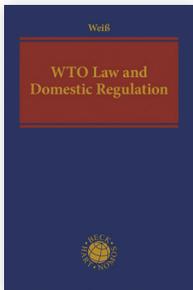
The exit of the United Kingdom from the EU represents the first large-scale reversal of European integration. It will, in particular, have an appreciable impact on the trade relations with the European continent. This edited volume brings together contributions from leading economists and legal scholars that raise crucial questions and challenges with respect to the Brexit negotiations. In doing so, the contributions do not only look at the withdrawal agreement but, beyond that, at the future trade relations between the UK and the EU after the entry into force of a possible withdrawal agreement.

*Friedemann Kainer is Professor at the University of Mannheim where he holds the Chair of Civil Law, German and European Economic and Labour Law.*

*René Repasi is scientific coordinator of the European Research Centre for Economic and Financial Governance (EURO-CEFG).*

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## WTO Law and Domestic Regulation

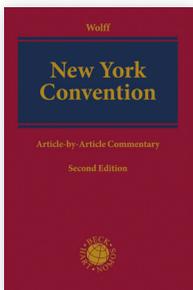
*Wolfgang Weiß*

This book explores the impact of WTO law on domestic regulatory autonomy. It identifies and critically analyses the mechanisms working in WTO law that cause increasing interferences with domestic law and thus restrain the regulatory autonomy of the WTO members. The book proposes ways in which WTO law be conceptualised to enhance the policy space of WTO members. Therefore, the book demonstrates the flexibilities in interpreting and applying WTO core principles and provisions and explores interpretive and institutional conceptions that could serve as a pathway to allocating greater policy leeway to WTO members.

*Wolfgang Weiß is Full Professor of Public Law, European Law and Public International Law at the German University of Administrative Sciences Speyer.*

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## SECOND EDITION

## New York Convention

Article-by-Article Commentary

*Edited by Reinmar Wolff*

The New York Convention is the most successful (and most important) treaty in the field of international trade law. This commentary provides a comprehensive in-depth discussion of the Convention's sixteen articles while outlining and contributing the expert opinions of the authors to the contemporary global discourse surrounding each. The first edition has not only become a respected point of reference for legal professionals and academics, but has also been drawn upon by courts around the world. The second edition brings the treatise up to date and reflects the most recent developments. Its target group includes lawyers, in-house counsel, judges, and academics.

*Reinmar Wolff is Assistant Professor at the University of Marburg.*

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