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| 3 Jul 2019 | Speaker: Professor David B. Wilkins, Harvard Law School | Innovation and the Future of Legal Practice  
A presentation listing some of the new products and services being offered in just the last year or so, including AI and machine learning, and also new approaches to project management, rating systems, quality control, crowd funding, agile working and many more. |
| 5 Aug 2019 | Speaker: Associate Professor Andrea Stazi, European University of Rome | Online Intermediary Liability in Comparative Law  
Online intermediary liability is the concept of holding an online platform responsible for the illegal or harmful acts of Internet users. Who counts as an “intermediary” is relatively abstract, but it often includes access providers, search engines, hosting platforms, email providers, payment processors, social networks and many more. The commonality between these entities is that they enable others to do things on the Internet, they are intermediaries in the sense that they provide services that allow for user A to interact with user B in different ways.  
This research focuses on a comparative overview of policy questions and regulatory approaches regarding online intermediary liability in the US, EU, East Asia and Oceania. Specific attention is devoted to data governance issues: privacy, consumer protection, antitrust, data portability and data sharing obligations. The outcome of the analysis are some key points to be taken into account in dealing with such a multi-faceted and dynamic issue. |
A discussion regarding the updates to the United States international taxation regime as it impacts intellectual property and other low taxed, extraterritorial income sources. Also, will cover the US tax residency rules updates in regards to sales into the United States and what potential compliance concerns that brings. |
| 20 Aug 2019 | Speaker: Professor Birke Häcker, University of Oxford | European Imprints and the ‘Comparative Common Law’ Phenomenon  
Over the past half century, the role and position of English law has changed fundamentally – both its relationship with civilian jurisdictions in continental Europe and its relationship with other common law systems around the world. The presentation will explore the manifestations and implications of these changes.  
On the one hand, interactions with neighbouring European systems have led to mutual adjustments and left a distinct imprint on today’s English law. Can or should these developments be reversed in the light of ‘Brexit’? |
On the other hand, the increasing divergence of ‘progeny’ systems which are historically derived from English law, but which are now clearly pursuing their own path, raises methodological challenges for common lawyers engaging across jurisdictional boundaries. How ought such exercises in ‘comparative common law’ to be tackled?

It is only in viewing both developments side by side that we can properly assess the character of modern English law and its potential contribution to legal discourse abroad. It will be argued that, rather than trying to turn back the clock, English lawyers should embrace the opportunities offered by the unique ‘gateway’ position their legal system occupies between the common law world and the civilian tradition.

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<td>12 Sep 2019</td>
<td>Dr Yarik Kryvoi</td>
<td><strong>Public and Private International Adjudication: Process, Substance and Legitimacy</strong></td>
<td>While the distinction between substantive public and private law is widely recognized, the distinction between private and public adjudication is less familiar and less explored. Scholars agree that states cannot be subject to the same legal procedures and moral approaches as private individuals, but the features distinguishing private and public adjudication remain largely unexplored. This paper argues that it is crucial to understand the trade-offs involved in private and public adjudication, and its implications for the choice of methods of dispute resolution, the rule of law and institutional legitimacy. By examining the procedural rules and practices of five dispute resolution institutions (ICJ, ECtHR, ICSID, ICC, SIAC), the two main claims are made. First, the parties often can choose to secure their rights through public or private adjudication institutions, which is likely to lead to different substantive outcomes, including the duration and the cost of the process. Public adjudication comes at a significant cost for the taxpayers but helps secure a consistent body of case law, promotes public policy goals and allows third parties to know the rules of conduct in advance to prevent undesirable activities. Second, the functions and values of public and private adjudication significantly differ. Avoiding the uncritical use of private dispute resolution mechanisms for essentially public disputes, and conversely, of public adjudication for private disputes will help improve the legitimacy of these institutions and better manage expectations of their users.</td>
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<td>16 Sep 2019</td>
<td>Professor John Murphy</td>
<td><strong>Concurrent Liability in Tort and Contract: Un(der)explored Issues</strong></td>
<td>Prior to the landmark decision in Henderson v Merrett Syndicates Ltd, there were conflicting lines of authority on</td>
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the question of whether there could be concurrent liability in tort and contract. The House of Lords put an end to this uncertainty in that case by making clear that there could, indeed, be such concurrent liability. In addition to this broad question, the House of Lords also answered the following important, narrower question. Given the presence of concurrent liability, which limitation rules should apply if the action is pursued in tort: those that apply to tort cases, or those that apply to contract actions?

Since that decision, a number of scholars have tackled a range of further such questions that arise once one accepts the existence of concurrent liability. Prime among these has been the question about which remoteness rules should be applied if the action is pursued in tort. In my view, that question has not yet been fully explored, and nor has the limited juristic attention that it has received been sufficiently rigorous. Things said in post-Henderson case law seem to have been accepted in some circles without being properly scrutinised.

In addition, there is - to my mind - a further set of secondary questions which also need to be tackled. In particular, can the tort defence of volenti non fit injuria be applied to an action in contract in a situation of concurrent liability? And what should the courts do when tort and contract duties overlap, but one of these duties is more demanding than the other. For example, some types of contract frequently require that a party use their 'best endeavours' to perform a particular task, while the familiar duty in negligence would require no more than that he or she exercise reasonable care.

This paper offers a more complete analysis of the remoteness puzzle than has hitherto been provided. It also supplies possible answers to these other, yet-to-be explored, matters.

17 Sep 2019

Speaker:
Dr Orkun Akseli
Durham University

Chair:
Christopher Chen

Blockchain and the UNCITRAL Model Law on Secured Transactions: A Question of Compatibility

This paper considers the potential use of a blockchain based distributed ledger platform as a registry for security rights as well as its interaction with the principles of the UNCITRAL Model Law on Secured Transactions (‘MLST’). This type of technology has the potential to revolutionise the third party effectiveness of security interests. In this process, the modern principles of the MLST could play a pivotal role in reducing the cost of credit and expanding the financial inclusion of small businesses and individuals. The paper argues that blockchain and distributed ledger technology through disintermediation have the necessary characteristics to decentralise and streamline the registration of security interests. The technology can also support the taking of security interests on digital assets.
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<td>8 Oct 2019</td>
<td>Dr Maria Adele Carrai, Harvard University Asia Center, Chair: Zhang Wei</td>
<td>Sovereignty in China. A Genealogy of a Concept since 1840. A quest for sovereignty characterizes China’s modern history: charting an uninterrupted course since the nineteenth-century Opium Wars, it reflects the country’s tortuous journey within the history of international law. The current territorial disputes in the South and East China Seas, the reunification with Taiwan, and the difficulties with the autonomous regions are all related to the most recent definition of China as a sovereign state, and to the introduction of international law. During the nineteenth century, Qing officials started to use sovereignty not only against the encroachment of Western powers, but also to unite under one single sovereign authority the vast territory that was colonized and inscribed within a ritual geography in the course of the two previous centuries of imperial expansion. In a way, the vast Qing multiethnic and multinormative empire continues to haunt the Chinese modern nation: the Chinese Communist Party’s endeavor, as specified in the Constitution, is still the reunification of the motherland. While remaining a hard-won prize after what has been rhetorically called the ‘century of humiliations,’ more recently with the official codification of the Five Principles of Peaceful Coexistence in 1954, sovereignty has become the cornerstone of China’s foreign policy. How did these sovereign claims come about? When did they start, and why? How are these claims different from or similar to those made in the nineteenth and early twentieth centuries, and what can the continuities and discontinuities in usage tell us about the current and future trajectory of China in international society? These are among the questions that the presentation of the book Sovereignty in China. A Genealogy of a Concept since 1840 will address.</td>
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<td>31 Oct 2019</td>
<td>Dr Susan Thomas, Indira Gandhi Institute of Development Research</td>
<td>Fintech in India: The state of the art. Financial technologies are reshaping the financial services industry. This fintech revolution represents both a challenge and an opportunity for India. On the one hand, it may facilitate financial inclusion, competition and</td>
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Chair: Aurelio Gurrea Martinez

financial development. On the other hand, it creates new challenges for regulators. This presentation seeks to provide an overview of the challenges, opportunities, and state of art of fintech in India.

8 Nov 2019

Speaker: Dr Ryan Catterwell
University of Queensland

The Cognition of Contract Interpretation

In this talk, Dr Catterwell explores his research on contract interpretation (for those wanting more detail, please see R Catterwell, 'Striking a Balance in Contract Interpretation: The Primacy of the Text' (2019) 23 Edin LR 52). Relying on theoretical and empirical investigation, Dr Catterwell claims that interpretation is a four-stage process through which objective intention is inferred from the choice of words in a contract.

First, the question of interpretation is defined. Second, competing answers to the question are put forward—each an ‘interpretation’ or ‘construction’. Third, arguments in favour of each interpretation are formulated by analysing the potential meanings for the words, the background to the transaction, the objects served by the contract, and the consequences of the competing interpretations. Finally, the competing arguments are weighed and balanced to arrive at the interpretation that was probably intended.

The “correct” interpretation is the one that is established to the highest degree of probability. The resolution of an interpretive dispute depends on the composition of arguments in favour of each interpretation. Of course, the particular arguments in each case are unique to the parties and to the dispute. However, contract interpretation involves reoccurring argument patterns, that is, disputes involving arguments of a similar nature and type. As Dr Catterwell will demonstrate, cases involving a similar argument composition are resolved in a similar way. Contrary to recent suggestions, the balancing act in the final stage of interpretation is a consistent and principled one.

19 Nov 2019

Speaker: Ms Emilia Lundberg,
Advokatfirman Lundberg & Gleiss KB

International Arbitration in Sweden

Compared to many other countries, commercial disputes in Sweden are to a large extent settled through arbitration, in domestic as well as international cases. Historical tradition, a well-renowned arbitration institute and modern legislation on arbitration are a few of the many reasons for Sweden’s strong position as a venue for international arbitration.

Sweden is not a Model Law country, but the Swedish Arbitration Act generally follows the UNCITRAL Model Law and is seen as very modern and efficient legislation. Sweden has long since acceded the 1958 New York Convention on the Recognition and Enforcement of
Foreign Arbitral Awards, and the Swedish court system provides for efficient procedures in connection with the enforcement of foreign arbitration awards in Sweden.

Domestic and international arbitrations in Sweden are conducted either as ad hoc arbitrations or institutional arbitrations under specific rules such as the Arbitration Rules of the Arbitration Institute of the Stockholm Chamber of Commerce (the SCC) or the Rules of Arbitration of the International Chamber of Commerce (the ICC). During my presentation I will give an overview of how international arbitration in Sweden works and also briefly explain how an SCC arbitration works in practice. I will also focus a little bit extra on arbitration and digitalization with experiences from the new SCC platform.

| 20 Jan 2020 | Speaker:  
Associate Professor Chen Jianlin  
Melbourne Law School  
Chair:  
Chan Wing Cheong |
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<td><strong>Fraudulent Sex Criminalization in Singapore</strong></td>
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<td>There has always been a pervasive English influence on Singapore criminal law, notwithstanding the different structure and wording of the Penal Code. This can be acutely problematic for fraudulent sex (i.e., obtaining of sex through fraud), given the ostensibly radical approach of the Penal Code that stipulates any misconception of fact would vitiate consent, including vis-à-vis rape. In this seminar, I critically examine the evolution of fraudulent sex criminalization in Singapore and make two contributions.</td>
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<td>First, I demonstrate that the major amendments to the relevant Penal Code provisions (i.e., in 2007 and 2019) were made pursuant to attempted importation of English legal provisions without due regard to the synergic relationship between the imported provisions and the existing provisions in both the Penal Code and the English statutes.</td>
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<td>Second, I normatively assess the 2019 reform, which exhaustively states that sexual consent can only be vitiated by fraud as to purpose, nature and identity, and creates a separate provision to specifically criminalize fraud as to sexual protection and sexually transmitted diseases. I argue that this uniquely Singapore approach is desirable for two reasons: 1) the 2019 reform finally brings the plain-wording of the statutory provisions in line with what the government is prepared to fully enforce, and 2) the resulting lacuna is mitigated by the broadly worded cheating offences and the undisturbed broad judicial interpretation of how “fear of injury” may vitiate sexual consent.</td>
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| 5 Feb 2020 | Speaker:  
Associate Professor Hengameh Saberi  
Osgoode Hall Law School |
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<td><strong>Cynicism in International Law: A modus of Political Agency?</strong></td>
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<td>The paper seeks to explore the journey of cynicism from ancient Cynicism as a mode of living to modern</td>
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Cynicism
Chair:  
Pasha L. Hsieh  

manifestations of it as a philosophical and political perspective with the aim of proposing political implications for international law. In international law, cynicism has historically found a home among either the realists and, in some underprecise meaning, in variations of critical theories. But across the board, all the differences between skeptical realists and emancipatory hopes of critical theories aside, it has in fact been no more than epistemic skepticism. The teachings of ancient Cynicism and segments of its modern evolution, the paper will argue, promise an underappreciated political and aesthetic message to re-energize effective participation in the global legal order.

| 12 Feb 2020 | Speaker:  
Dr Ardavan Arzandeh  
University of Bristol  
Chair:  
Adeline Chong  |
|---|---|
| **How should Exclusive Jurisdiction Clauses in International Trusts be Treated?**  
International contracts often contain a clause which sets out to subject the parties’ disputes to the exclusive jurisdiction of a court in a specific territory. Increasingly, these clauses are also utilised in international trust instruments. At common law, a contentious question vis-à-vis exclusive jurisdiction clauses in trust deeds has been whether they should be upheld as faithfully as their contractual equivalents. The purpose of this presentation is to revisit this question, and assess critically the law’s current response to it. |