

How Should You Choose the Governing Law of Your Commercial Contract? Principles on Choice of Law in International Commercial Contracts

by
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Dr. Julien Chaisse currently serves as professor at the City University of Hong Kong (CityU), School of Law. He is an award-winning and world-renowned expert on international economic law (trade, investment, and tax), cyberlaw, and international dispute resolution. His work has garnered wide academic recognition and has been cited by international courts/tribunals as well as the U.S. Courts. He is the awardee of the Humanities and Social Sciences Prestigious Fellowship (2021) and the recipient of the Smit-Lowenfeld Prize from the International Arbitration Club of New York (2020). He also sits on the editorial boards of several high impact academic journals, and serves as Editor-in-Chief of the Asia Pacific Law Review.

Dr. Chaisse is an accomplished senior arbitrator. Numbers of his adjudications have been reported by local and international press. He is frequently called upon as an expert witness in international trade/investment litigation and arbitration, to advise international organizations, governments, law firms, and private investors on private/public international law issues (e.g., concessions contracts, special economic zones, investment structuring, state and international organization immunities, and WTO accession), and he has assisted over twenty jurisdictions in drafting trade/investment treaties and legislation.



Dr. Chaisse is currently President and Chair of the Asia Pacific FDI Network (APFN), which is the most important organization in the region that focuses on researching foreign direct investment and facilitating cooperation among over 100 scholars and 50 institutions. He has extensive experience working as a corporate board member, and serving on the board of directors/advisory board for a number of international organizations, including the World Free Zone Convention (WFZC), the Academy of International Dispute Resolution & Professional Negotiation (AIDRN), the National Institute of Malaysian and International Studies (IKMAS), and the Asian Academy of International Law (AAIL). In addition, Dr. Chaisse is an active member of the World Economic Forum ("Tax and Globalization Working Group" and "Data Policy Platform"), a member of the Hong Kong's Government Board of Review (Inland Revenue Ordinance), an advisor and partner to the United Nations ARTNET on FDI, and a member of the Academic Forum on Investor-state Dispute Settlement. He also serves as Director of the Dot Trademark Policy Committee (DTPC), a co-founder of the Internet Intellectual Property Institute (IIPI), and is a member of the ICANN's Working Group, which produced the Report of the Review of All Rights Protection Mechanisms in All gTLDs, among other highly-regarded white papers.

Prior to joining CityU Law School, Dr. Chaisse taught at the Chinese University of Hong Kong, Faculty of Law (2009-2019) where he served as Director of one of the Faculty's research centres as well as Director of PhD & MPhil Program. Before moving to Hong Kong, he worked as deputy head of the working group on the rules and regulations for multilateral trade and investment agreements at the World Trade Institute in Bern, Switzerland (2006-2009), as a lecturer at Elite School Sciences Po Aix in France (2004-2006), and as a diplomat for the Ministry of Foreign Affairs of France at the French Embassy in New Delhi, India (2001-2004).

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Course Objective:

The aim of this course is to provide an intensive introduction to the theory and principles of contract law and its practical application in the commercial context. If parties wish to be absolutely sure about the applicable law, they should expressly agree upon this issue through a choice of law clause. However, the Choice of the Governing Law is a complex choice among many options. Logically (and practically), the choice of law should be made by parties in order to ensure effectiveness. Effectiveness may suggest reliance on domestic law but cannot exclude *Lex mercatoria*/UNIDROIT. In fact, there are many options with pros and cons.

This course reviews the five main options that commercial lawyers have to consider when approaching the choice of the governing law, namely choice of the law of its own country; the choice of the law of the other party; the choice of the law of a third country; the *Lex mercatoria* and similar solutions; the last option which not to choose any governing law.

Course Outline:

- Choice of the law of its own country
- Choice of the law of the other party
- Choice of the law of a third country
- *Lex mercatoria* and similar solutions
- No choice at all

Scan to Calendar



Code:	EVT000000393	Level:	Intermediate
Date:	29 September 2023 (Friday) (Amended)	Language:	English
Time:	14:30 - 17:45 (Reception starts at 14:00)	Accreditation(s):	LSHK 3.0 CPD Points
Venue:	Online via Zoom	Request for Rerun:	Please Contact Us for Details



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