

From Kluwer Law International ...

New Law Titles Bulletin



Wolters Kluwer
Law & Business

3-2010



Introduction

This New Law Title Bulletin is a compilation of all new and forthcoming books, journals, loose-leaf and electronic products from Kluwer Law International.

This bulletin is mailed to booksellers and libraries by surface mail in Europe and by airmail to all other countries.

Customers in the EC: All prices are exclusive of Value Added Tax (VAT).

All prices are exclusive of postage and handling and subject to change without prior notice.

Sales Department / Ordering Information / Customer Services

Kluwer Law International
Zuidpoolsingel 2
2408 ZE - Alphen a/d Rijn
The Netherlands
Tel: +31 (0) 17264 1562
Fax: +31 (0) 17264 1555
Email: sales@kluwerlaw.com

Distribution

Turpin Distribution Services Ltd.,
Stratton Business Park, Pegasus Drive,
Biggleswade, Bedfordshire SG18 8TQ,
United Kingdom
Tel: +44 1767 604 958
Fax: +44 (0) 1767 601640
Email: Kluwerlaw@turpin-distribution.com

Head Offices

Kluwer Law International
Zuidpoolsingel 2
2408 ZE - Alphen a/d Rijn
The Netherlands
Tel: +31 (0) 17264 1562
Fax: +31 (0) 17264 1555
Website: www.kluwerlaw.com

Returns

With the exception of firm orders, standing orders and separate arrangements with our sales staff, Kluwer grant 6 months right of return. Permission to return should be requested in writing, books must be in a mint resaleable condition, and a copy of the original invoice and/or full invoice details including your account number, price, discount, invoice number and date should be sent to Turpin Distribution Services.

Electronic – New Law Bulletin

Customers requiring our New Law Titles Bulletin electronically, please contact our sales department at sales@kluwerlaw.com

EDI Ordering Information

U.K. and overseas book trade customers can order our publications by EDI via Whitaker TeleOrdering
Woolmead House West
Bear Lane
Farnham GU9 7LG
United Kingdom
Tel: +44 1252 742500
Fax: +44 1252 742501

Book Data Limited

All new title information and price changes are updated regularly in Book data Limited's database.

For more information please contact:

Book Data Limited
Globe House
1 Chertsey Road
Twickenham TW1 1LR
United Kingdom
Tel: +44 20 8843 8600
Fax: +44 20 8843 8744

Visit our website: <http://www.kluwerlaw.com>

Letter from the Publisher...
Alphen aan den Rijn, June 2010

Dear Customer,

In order to keep our customers up-to-date, we have developed our "New Law Titles" Bulletin no. 3, 2010 for the months April, May and June 2010.

*We would like to bring to your attention that we have a large list of outstanding publications, which can be ordered using the order form enclosed or by contacting **sales@kluwerlaw.com***

In particular we would like to highlight certain publications which are sure to be of interest to you:

- 1. International Encyclopaedia of Laws Online on page 1*
- 2. Substantive Law in Investment Treaty Arbitration on page 6*
- 3. Contract Law in the USA on page 11*
- 4. Labour Law in Spain on page 16*
- 5. Guide to EU Pharmaceutical Regulatory Law on page 23*
- 6. Sports Law in South Africa on page 32*
- 7. The Rotterdam Rules 2008 on page 41*

We are sure that the publications featured in this bulletin will make a welcome and necessary addition to your bookshop or practice.

Yours sincerely,

*Marketing Department
Kluwer Law International*

Letter from the Publisher	i
Contents	ii
Website Information	ii
Bibliographical Information	ii
Kluwer Law International titles	1

**FOR DETAILED INFORMATION ON OUR PRODUCTS,
PLEASE VISIT OUR WEBSITES:**

www.KluwerLaw.com

All products

www.KluwerLawOnline.com

Journals and International Encyclopaedia Laws online

www.KluwerArbitration.com

Resources on International Commercial Arbitration

www.KluwerCompetitionLaw.com

Kluwer Competition Law Online

www.KluwerManualIP.com

Kluwer Manual IP Online

<http://kluwerconstructionblog.com/>

Kluwer Construction Blog

www.kluwerEUIPcases.com

Kluwer EU Copyright Cases & Kluwer EU Patent Cases

www.kluwermergercheck.com

Kluwer Merger Check

www.kluwerarbitrationblog.com

Kluwer Arbitration Blog.

**BIBLIOGRAPHICAL INFORMATION:
LIST OF MAJOR IMPRINTS AND PREFIXES**

ISBN PREFIXES KLUWER LAW INTERNATIONAL:

978-904 Kluwer Law International

BACKLIST ISBN PREFIXES KLUWER LAW INTERNATIONAL:

978-906

978-902 Kluwer Law & Taxation

International Encyclopaedia of Laws online

general editor Prof. Dr. Roger Blanpain

associate general editor Prof. Dr. Michele Colucci

International Encyclopaedia of Laws: Criminal Law

by Frank Verbruggen and Cyrille J.C.F. Fijnaut

The national monographs in this subset of the International Encyclopaedia of Laws provide a general insight into criminal law and procedure in different countries. For each country, an introduction presents the requisite background knowledge for understanding the principles of criminal justice, and then proceeds to a detailed examination of substantive criminal law - its general principles, the principles of criminal responsibility or liability, and the grounds for the justification of criminal offences.

April 2010, ISBN: 9888002173

International Encyclopaedia of Laws: Property and Trust Law

edited by Alain Verbeke

The Property and Trust Law volume of the International Encyclopaedia of Laws series deals with the diversity of rights and interests in all kinds of property and assets. Because property law has developed along completely different lines in the diverse legal families, this practical country-by-country analysis and guide takes a functional approach to the subject matter.

April 2010, ISBN: 9888002207

International Encyclopaedia of Laws: Commercial and Economic Law

by Jules H.V. Stuyck and Chantal Goemans

This concise work provides a regularly updated source of key information, written by experts in the field, at both the national and international levels. It is therefore an invaluable resource for both academics and practitioners.

April 2010, ISBN: 9888001957

International Encyclopaedia of Laws: Insurance Law

by Herman A. Cousy

Insurance Law is an in-depth updated reference source concerning all aspects of insurance law in the industrialized countries of the world. Using the same comprehensive format as the other International Encyclopaedia of Laws publications, this product on insurance law includes general background information and specific country law in each national monograph.

May 2010, ISBN: 9888002213

*For more information on these online services please contact our Sales department:
tel +31 (0)172 64 1562 or visit the website www.kluwerlawonline.com*

Soon available online:

International Handbook Commercial Arbitration

by James Paulsson

The work covers virtually all countries involved in international business and, consequently, in international commercial arbitration. Each National Report is written by a local leading arbitration expert from the country concerned and contains comprehensive information on the arbitration law and practice of that country.

June 2010, ISBN: 9888002219

Guide to EU Pharmaceutical Regulatory Law

edited by Bird & Bird

In the European Union and its Member States, as elsewhere, the marketing of pharmaceuticals has become subject to an increasingly complex web of legislation and regulation, resulting from the intense scrutiny of the urgent and essential role such products play in human development and welfare worldwide. This product lays out this system with extraordinary clarity and logic.

June 2010, ISBN: 9880019131

Investment under NAFTA: An Annotated Guide to NAFTA Chapter 11

by Meg Kinnear, Andrea Bjorklund and John F. G. Hannaford

NAFTA's Chapter 11, like many treaties, sets forth rules for arbitration. Current procedures have been developed, in part, as cases have arisen and been resolved. This product enables anyone interested in these procedures to know exactly the current state of the law.

June 2010, ISBN: 9888002210

Permanent Establishment

edited by Ekkehart Reimer, Marianna Katharina Roth and Nathalie Urban

Permanent Establishment in Cross-Border Transactions: Law, Analysis and Compliance Strategies consists of two parts: Permanent Establishment: The Legal and Compliance Setting and Country-specific Permanent Establishment

June 2010, ISBN: 9888002211

*For more information on these online services please contact our Sales department:
tel +31 (0)172 64 1562 or visit the website www.kluwerlawonline.com*



Corporate Disclosure and Corporate Governance in China

by *Jian Fu*

Rapid economic development has focused attention around the world upon China's corporate governance regime – particularly as, during the past few years, some of China's companies, mainly large state-owned companies (usually known as SOEs), have been aggressively buying foreign businesses overseas. China's huge capital injection and aggressive foreign investment have raised increasing and deep concerns among the target countries' governments, their business communities, and the global public. It is clearly of great importance that the PRC's business partner countries understand corporate governance issues within Chinese companies. Moreover, the relatively poor corporate governance of many Chinese SOEs calls for a closer look at China's corporate governance theory and practice. The corporate disclosure regime plays a critical role in this regard.

This timely and highly informative book provides, for the first time, comprehensive research on corporate governance in China, with detailed attention to the formation and reform of its corporate disclosure laws and regulations. Among the many factors analysed are the following:

- the role of the government in the management of SOEs;
- the legal and regulatory environment;
- majority shareholders' infringement of listed companies' interests;
- the increasing independence of the board of directors;
- the role of institutional investors;
- the shareholding structure;
- law enforcement and shareholders' legal actions;
- unmonitored insiders' control in corporate affairs;
- the external governance structure; and
- the absence of fiduciary duty.

The author describes the nature of the many breaches of disclosure laws and rules in the two decades or so of the history of China's securities market and the pressures within the relevant government agencies confronting the problem.

As a detailed analysis of the Chinese corporate disclosure regime that has emerged during the period of China's economic transition since the 1990s, this incomparable book will be of great interest to legal researchers, policymakers, and legal practitioners working with business investment in China.

Table of Contents:

1. Corporate Disclosure, Corporate Governance and Law Reform in the People's Republic of China. 2. Introduction. 3. An Introduction to the Chinese Legal System: Setting the Context for Securities Law Reform. 4. Gatekeepers in the Chinese Securities Market. 5. Regulatory Rules Dealing With Disclosure in the PRC Securities Market. 6. The State of the Securities Market and Disclosure in the PRC. 7. Key Elements of the Australian Corporate Disclosure Regulatory Regime. 8. Conclusions and Suggestions.

May 2010, 368 pp., hardbound

ISBN: 9789041126696

Price: EUR 125.00 / USD 169.00 / GBP 100.00

Recognition and Enforcement of Foreign Arbitral Awards A Global Commentary on the New York Convention

by Herbert Kronke, Patricia Nacimiento, Dirk Otto and Nicola Christine Port

The 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards is without a doubt the single most important treaty in the field of international commercial arbitration, and has enjoyed remarkable success over its half-century of use. It has been praised as a convention which 'perhaps could lay claim to be the most effective instance of international legislation in the entire history of commercial law.'

In honour of the Convention's fiftieth anniversary, outstanding scholars of international commercial arbitration have contributed to this comprehensive commentary. Following a design calling for article-by-article analysis (or even, in the case of the crucial Article 5, by sub-article), this unique book provides an in-depth analysis of the Convention's first fifty years in light of internationally accessible case law from a wide range of jurisdictions around the world. In so doing it greatly clarifies and enhances our knowledge of both the theoretical underpinnings and the practical application of the Convention in its global context.

The authors, each of whom is an experienced practitioner in the field of international arbitration, draw on experience in a wide variety of national jurisdictions. In addition to drafting chapters independently, each has made invaluable contributions to other authors' chapters. Authoritative case law research was further provided by dozens of contributors with expertise in specific jurisdictions worldwide.

The analysis thoroughly covers the major issues that have arisen in the application of the Convention, including the following:

- the use of reservations made by Contracting States;
- the distinctions between recognition and enforcement and between recognition sought at the seat of the arbitration and outside the seat;
- the role of the courts in reviewing arbitral awards and, in particular, the Convention's focus on safeguarding due process standards;
- the "more favourable rights" principle embodied in Article VII(1);
- the relevance of forum shopping and asset spotting to the application of the Convention;

Table of Contents:

Preface and Acknowledgments; *H. Kronke, P. Nacimiento, D. Otto, N.C. Port*. Introductions; *K.-H. Böckstiegel, J. Fry*. Introduction/Preamble; *H. Kronke*. Article I; *H. Bagner*. Article II; *D. Schramm, G. Elliott, P. Pinsolle*. Article III; *A. Börner*. Article IV; *D. Otto*. Article V(1)(a); *P. Nacimiento*. Article V(1)(b); *A. Armer Ríos, A. Jana, K. Kranenberg*. Article V(1)(c); *N.C. Port, E. Scott Bowers, B.A. Davis Noll*. Article V(1)(d); *P. Nacimiento*. Article V(1)(e); *N. Darwazeh*. Article V(2); *D. Otto, O. Elwan*. Article VI; *N.C. Port, E. Scott Bowers, J. Simonoff*. Article VII; *D. Otto*. Article VIII; *D. Otto*. Article IX; *X. Fuentes*. Article X; *X. Fuentes*. Article XI; *D. Otto*. Article XII; *D. Otto*. Article XIII; *N.C. Port, D. Fuhr, J. Simonoff*. Article XIV; *P. Nacimiento*. Article XV; *P. Nacimiento*. Article XVI; *D. Schramm, G. Elliott, P. Pinsolle*.

May 2010, 672 pp., hardbound

ISBN: 9789041123565

Price: EUR 185.00 / USD 250.00 / GBP 148.00



Concise International Arbitration

Text and Concise Commentary on Leading Texts of International Arbitration

edited by Loukas Mistelis

Although the market for information on international arbitration is growing increasingly competitive, until now there has been a singular lack of a short, direct guide of manageable size that focuses on answering the essential questions that inevitably arise. The reality of international arbitration practice is that practitioners often work in an array of jurisdictions, under differing rules and different conventions. Therefore, rather than focusing on the rules of a particular institution, a particular country, or a particular convention, the article-by-article commentary in *Concise International Arbitration* offers the reader a swift understanding of all provisions of the leading arbitration instruments.

Concise International Arbitration is part of Kluwer Law International's 'Concise' series. These publications have proven enormously valuable to busy practitioners who require a succinct, accessible and authoritative commentary on the most commonly-used instruments, unencumbered by dense legal argument. Each book in the series breaks down the relevant texts by article and by each paragraph of the article, followed by one or more notes. The intention is to give the reader a rapid appreciation of the meaning and effect of each provision and to point in the right direction should further information (e.g., case law) be needed.

In this book, key practitioners offer clear, to-the-point commentary on the following arbitral instruments:

- New York Convention;
- ICSID Convention;
- UNCITRAL Rules;
- ICSID Rules;
- ICC Rules;
- LCIA Rules;
- AAA-ICDR Rules;
- CIETAC Rules;
- UNCITRAL Model Law;
- Chinese Arbitration Law 1994;
- English Arbitration Act 1996;
- French Code of Civil Procedure 1976; and
- Swiss Private International Law Act 1989.

Table of Contents:

Part I: Conventions. Part II: Rules. Part III: Laws

June 2010, 900 pp., hardbound

ISBN: 9789041126092

Price: EUR 150.00 / USD 198.00 / GBP 102.00

Substantive Law in Investment Treaty Arbitration

The Unsettled Relationship between International Law and Municipal Law

by *Monique Sasson*

The difficult coexistence of municipal law and international law is nowhere more evident than in the context of investment treaty disputes. Investment treaty arbitral tribunals commonly address, as a matter of international law, an alleged breach of a contract (or other legal obligation concerning an investment) that is often regulated by municipal law. However, there is no self-contained legal system that provides substantive rules of direct applicability for these tribunals. In practice, approaches range from complete exclusion of municipal law to complete reliance on municipal law. While the former has no defensible foundation in international law, an absolute *renvoi* to municipal law runs afoul of the principle that international law governs the characterization of an internationally wrongful act.

Arguing that international investment law requires a more nuanced consideration of the role of municipal law than many arbitral tribunals have implemented to date, this book provides a detailed, systematic approach to the interplay of municipal law and international law in investment disputes.

The treatment focuses on the role of municipal law in providing the substance for concepts such as contracts, property rights, and shareholders' rights, which are relevant in the international investment treaty context but are not regulated under international law. Among the questions addressed are the following:

- If the application of international law requires a *renvoi* to municipal law, how should that *renvoi* be conducted?
- In investment disputes, what role, if any, should municipal law have in assessing State attribution under international law?
- Should shareholders receive compensation for damages suffered by their company due to a violation of an international obligation vis-à-vis the company?
- May foreign investors rely on 'expectations' as an autonomous source of rights in investment treaty disputes?
- Does an alleged breach of an umbrella clause transform a breach of contract claim covered by municipal law into an international law claim?

Table of Contents:

Preface. Acknowledgements. List of Abbreviations. Introduction: The Unsettled Relationship between International Law and Municipal Law. **Chapter 1** Attribution under the Law of State Responsibility. **Chapter 2** The Notion of 'Investment'. **Chapter 3** The Nationality of an Investor. **Chapter 4** The Concept of Property **Chapter 5.** Shareholders' Rights **Chapter 6.** Contract versus Treaty Claims **Chapter 7.** Umbrella Clauses: When a Breach of Contract May Become a Breach of Treaty Conclusion The Unsettled Relationship between International and Municipal Law Appendix 1. Appendix 2. Appendix 3. Appendix 4. Index

June 2010, 300 pp., hardbound

ISBN: 9789041132239

Approximate Price: EUR 145.00 USD 196.00 GBP 116.00

International Arbitration Law Library Services, vol. 21

The Limits of Competition Policy

The Shortcomings of Antitrust in Developing and Reforming Economies

by *A.E. Rodriguez and Ashok Menon*

Antitrust is 'a blunt instrument aimed at the wrong problem'. So say the authors of this provocative and contentious book, both of them well-known for providing antitrust support and training in many developing economies and for serving as antitrust experts on behalf of private parties targeted by antitrust authorities. Drawing on their wide experience, they describe how antitrust/ competition rules in developing economies curtails innovation and entrepreneurship under what the U.S. Supreme Court has blasted as the 'chilling effects of false positives'. Moreover, they point out, entrenched interest groups in developing countries quickly discover that soliciting preferential treatment from the state, which leads to state-sponsored non-tariff barriers, is more attractive than private cartelization, not least because it is perfectly legal and thus beyond the reach of antitrust law enforcement efforts.

What the authors offer is a thoroughgoing analysis clearly demonstrating that, whatever economic path developing countries pursue, imposing Western-style antitrust regimes will engender uncertainty, chill economic behaviour, and foster an unhealthy climate for business. They employ the influential error-cost methodology to appraise the performance of competition policy and to show how such a policy creates irresolvable tensions in fragile economies with weak institutions – economies characterized by informal rules of business practice, long-standing symbiotic business state relationships, and unpredictable state action. They mount a powerful critique of the arguments of neo-institutionalists (who fail to recognize the vulnerable nature of emerging market economies) and competition 'advocates' (who presume to stand ready and vigilant to enforce competition policy on state entities).

But competition policy in developing economies is not an irremediable mistake. Such regimes need not adhere to an inappropriate Western model, the authors maintain, to find cheaper and more effective ways to foster competition. As a detailed and insightful description and framework defining the limits to antitrust in developing (and especially least-developed) countries, this study promises to extend the debate that should precede any consideration of globally extending competition policy in its current version. Crafters of policies and rules in competition law and administration cannot fail to gain in depth of understanding from this new approach to the subject.

Table of contents:

About the Authors. List of abbreviations. Preface. Acknowledgments. **Chapter 1.** Introduction. **Chapter 2.** The Emergence of Competition Policy Regimes **Chapter 3.** The Errors of Antitrust **Chapter 4.** The Performance Gap. **Chapter 5.** What is Competition Policy? **Chapter 6.** Sources of Error in Antitrust Practice. **Chapter 7.** What is Different in Developing and Transition Economies? **Chapter 8.** The Political Economy of Antitrust Enforcement **Chapter 9.** International Harmonization of Competition Policy **Chapter 10.** The Limits of Competition Advocacy. **Chapter 11.** Concluding Comments Bibliography. Table of Cases and Statutes. Index.

April 2010, 232 pp., hardbound

ISBN: 9789041131577

Price: EUR 110.00 / USD 149.00 / GBP 88.00

International Competition Law Series, vol. 43

Modernization of European Company Law and Corporate Governance

Some Considerations on its Legal Limits

by *Gert-Jan Vossestein*

What are the legal limits of the European Community's competence in the matter of company law? As many company law instruments have already emerged as a result of the European Commission's Action Plan to Modernize Company Law of May 2003 and various new modernization instruments are still expected to follow, this question has become particularly important. In case an EC company law instrument is in breach of the above limits, its legality may be challenged before the European Court of Justice; significantly, since adoption of the Action Plan the Court of Justice has indeed issued several rulings on the lawfulness of such instruments.

This new book offers a substantial framework for examining the competence or powers of the EC in the field of company law, and the requirements for the lawful exercise of these powers (the principle of subsidiarity and the observance of Article 43 EC in particular). In order to provide a clear understanding of the practical relevance of this framework, the author tests the provisions of specific EC company law instruments for compatibility with the EC Treaty. Although the substantial body of EC company law that has been built up over the years is covered, the focus is on EC company law instruments which have been adopted in implementation of the 2003 Action Plan. The book includes a survey of the various company law instruments (both pre- and post-Action Plan) which together make up EC company law, and discusses the objectives of EC company law policy.

Among the specific elements covered are the following:

- the freedom of establishment for companies;
- free movement of capital;
- transfer of a company's seat;
- cross-border conversions;
- cross-border merger operations;
- recognition of companies;
- the breakthrough rule on takeover bids;
- the mandatory bid;
- shareholder rights;
- minimum capital requirements;

Table of Contents:

List of Abbreviations. Treaties, Acts and Reports. Case-law. Textbooks. Foreword. Introduction. 1. EC Company Law within the Framework of the EC Treaty: A General Survey. 2. EC Company Law: Development, Instruments and Objectives. 3. EC Competence in the Field of Company Law (I): Article 44 EC. 4. EC Competence in the Field of Company Law (II): Other Legal Bases. 5. Requirements for the Lawful Exercise of Community Powers: The Principle of Subsidiarity and the Observance of Article 43 EC. 6. Conclusion. **Annex I:** Pre-Action Plan Company Law Instruments. **Annex II:** Action Plan Company Law Instruments. List of References. Table of Cases. Index.

April 2010, 312 pp., hardbound

ISBN: 9789041125927

Price: EUR 115.00 / USD 155.00 / GBP 92.00

European Company Law Series, vol. 6

8 Visit our website: <http://www.kluwerlaw.com>



International Securities Law Handbook

Third Edition

edited by Marcus Best and Jean-Luc Soulier

Numerous changes, large and small, in securities laws and regulations in many jurisdictions necessitate periodic new editions of this unique and much relied upon source of information for global investors. In this, the third edition, the objective remains that of providing a comprehensive and reliable survey of the relevant issues encountered in the issue and offer of cross-border securities in the most significant financial markets. Under the prevailing conditions of global financial markets, such a current survey is more indispensable than ever.

Since its first edition, the *International Securities Law Handbook* has answered the need for a user-friendly source of information covering the key elements of securities law and regulations. Now fully updated to include thirty-five jurisdictions, the details offered in this invaluable reference provide investors with greater protection, point the way to as much transparency as possible in securities transactions, ease the gathering of information on the securities themselves and the participants involved, and help investors better formulate their needs and interact with foreign counsel as necessary.

Country chapters, each written by an expert in the particular country's securities law, appear alphabetically. Among many others, issues and topics covered include the following:

- description of the securities markets;
- listing/market authority;
- regulatory authority;
- principal laws regulating the securities markets;
- listing requirements and procedures;
- civil and criminal liability for securities law breaches;

Table of Contents:

Foreword. Editors' Preface. Editors' Profiles. List of Contributors. Introduction. **Argentina**; *Hernán Verly*. **Australia**; *Marcus Best*. **Austria**; *Martin Zuffer*. **Belgium**; *Carl Dotremont and Anne-Laure Velge*. **Brazil**; *Antonio Felix de Araujo Cintra and Crisleine Barboza Yamaji*. **Canada**; *Stephen Halperin, Caroline Wang and Meenu Khindri*. **Canada – Quebec**; *Neil Kravitz*. **China**; *Mingyuan Zhang*. **Denmark**; *Steen Jensen and Lisa Reinholt*. **Finland**; *Merja Kivelä, Janne Lauha and Juha Surve*. **France**; *Jean-Luc Soulier and Guillaume Pierson*. **Germany**; *Marc-Oliver Kurth and Oliver Rothley*. **Greece**; *Nikos Iliopoulos*. **Hong Kong**; *Sheldon Tse*. **India**; *Satwinder Singh, Rupa Radhakrishnan and Ranika Kapoor*. **Ireland**; *Claire Lord*. **Israel**; *Janet Levy-Pahima and Arnon Mainfeld*. **Japan**; *Noriyuki Katayama*. **Korea**; *Eui Jong Chung and Annie Eunah Lee*. **Malaysia**; *Michael H.K. Lim and Chen Lee Won*. **Mexico**; *Jorge Barrero Stahl and Alfonso Castro Díaz*. **The Netherlands**; *Bauke Falkena, Reinout Slot and Jelle Timmenga*. **Norway**; *Viggo Bang-Hansen and Thomas Aanmoen*. **The Philippines**; *Rafael A. Morales*. **Portugal**; *João Nuno P. Barrocas and Martim Krupenski*. **Scotland**; *Kenneth G. Chrystie*. **Singapore**; *Jacqueline Loke and Jacquelynne Baey*. **South Africa**; *Hendrik Bester, Mimmy Gondwe and Alexandra Von Koczian*. **Spain**; *Pedro Kirchner, Coro Fernández-Rañada and Ignacio Freire*. **Sweden**; *Anders Acebebo, Åke J. Fors and Anders Söderlind*. **Switzerland**; *Kaspar Landol and Stephan Werlen*. **Taiwan**; *Chun-Yih Cheng*. **Turkey**; *Hakki Gedik and Umut Gürgey*. **United Kingdom**; *Andrew G. Williamson and Christopher J.W. Stenning*. **United States of America**; *James E. Nicholson and Joshua L. Colburn*.

May 2010, 713 pp., hardbound

ISBN: 9789041132345

Price: EUR 180.00 / USD 257.00 / GBP 144.00

Contract Law in India

by Nilima Bhadbhade

Derived from the renowned multi-volume *International Encyclopaedia of Laws*, this practical analysis of the law of contracts in India covers every aspect of the subject – definition and classification of contracts, contractual liability, relation to the law of property, good faith, burden of proof, defects, penalty clauses, arbitration clauses, remedies in case of non-performance, damages, power of attorney, and much more. Lawyers who handle transnational contracts will appreciate the explanation of fundamental differences in terminology, application, and procedure from one legal system to another, as well as the international aspects of contract law. Throughout the book, the treatment emphasizes drafting considerations.

An introduction in which contracts are defined and contrasted to torts, quasi-contracts, and property is followed by a discussion of the concepts of 'consideration' or 'cause' and other underlying principles of the formation of contract. Subsequent chapters cover the doctrines of 'relative effect', termination of contract, and remedies for non-performance. The second part of the book, recognizing the need to categorize an agreement as a specific contract in order to determine the rules which apply to it, describes the nature of agency, sale, lease, building contracts, and other types of contract. Facts are presented in such a way that readers who are unfamiliar with specific terms and concepts in varying contexts will fully grasp their meaning and significance.

Its succinct yet scholarly nature, as well as the practical quality of the information it provides, make this book a valuable time-saving tool for business and legal professionals alike. Lawyers representing parties with interests in India will welcome this very useful guide, and academics and researchers will appreciate its value in the study of comparative contract law.

May 2010, 330 pp., paperback

ISBN: 9789041132970

Price: EUR 96.00 / USD 130.00 / GBP 77.00

Contract Law in the USA

by Gregory Klass

Derived from the renowned multi-volume *International Encyclopaedia of Laws*, this practical analysis of the law of contracts in the USA covers every aspect of the subject – definition and classification of contracts, contractual liability, relation to the law of property, good faith, burden of proof, defects, penalty clauses, arbitration clauses, remedies in case of non-performance, damages, power of attorney, and much more. Lawyers who handle transnational contracts will appreciate the explanation of fundamental differences in terminology, application, and procedure from one legal system to another, as well as the international aspects of contract law. Throughout the book, the treatment emphasizes drafting considerations.

An introduction in which contracts are defined and contrasted to torts, quasi-contracts, and property is followed by a discussion of the concepts of 'consideration' or 'cause' and other underlying principles of the formation of contract. Subsequent chapters cover the doctrines of 'relative effect', termination of contract, and remedies for non-performance. The second part of the book, recognizing the need to categorize an agreement as a specific contract in order to determine the rules which apply to it, describes the nature of agency, sale, lease, building contracts, and other types of contract. Facts are presented in such a way that readers who are unfamiliar with specific terms and concepts in varying contexts will fully grasp their meaning and significance.

Its succinct yet scholarly nature, as well as the practical quality of the information it provides, make this book a valuable time-saving tool for business and legal professionals alike. Lawyers representing parties with interests in the USA will welcome this very useful guide, and academics and researchers will appreciate its value in the study of comparative contract law.

June 2010, 304 pp., paperback

ISBN: 9789041133106

Price: EUR 96.00 / USD 130.00 / GBP 77.00

Criminal Law in Spain

by Lorena Bachmaier Winter & Antonia del Moral

Derived from the renowned multi-volume *International Encyclopaedia of Laws*, this book provides a practical analysis of criminal law in Spain introduction presents the necessary background information about the framework and sources of the criminal justice system, and then proceeds to a detailed examination of the grounds for criminal liability, the justification of criminal offences, the defences that diminish or excuse criminal liability, the classification of criminal offences, and the sanctions system.

Coverage of criminal procedure focuses on the organization of investigations, pre-trial proceedings, trial stage, and legal remedies. A final part describes the execution of sentences and orders, the prison system, and the extinction of custodial sanctions or sentences.

Its succinct yet scholarly nature, as well as the practical quality of the information it provides, make this book a valuable resource for criminal lawyers, prosecutors, law enforcement officers, and criminal court judges handling cases connected with Spain. Academics and researchers, as well as the various international organizations in the field, will welcome this very useful guide, and will appreciate its value in the study of comparative criminal law.

Table of Contents:

The Authors. List of Abbreviations. General Introduction. Part I. Substantive Criminal Law. Chapter 1 General Principles. **Chapter 2.** Scope of Application of Criminal Statutes. **Chapter 3.** General Principles of Criminal Liability. **Chapter 4.** Justification, Excuse, and Other Grounds of Impunity. **Chapter 5** Criminal Attempt and Parties to Criminal Offences. **Chapter 6.** Classification and Survey of Criminal Offences. **Chapter 7.** The Sanctioning System. **Chapter 8.** Other Consequences of Offences. **Part II. Criminal Procedure. Chapter 1** Principles, Institutions, and Stages. **Chapter 2.** Powers, Rights, and Duties in the Pre-trial Proceedings. **Chapter 3.** The Trial and the Legal Remedies. **Part III. Execution and Extinction of Sanctions. Chapter 1** Sources of Penitentiary Law and the Nature of Regulations. **Chapter 2** Fundamental Principles of the Prison System. **Chapter 3** The Prison System. **Chapter 4** Extinction of Criminal Liability. **General Conclusion. Index**

May 2010, 348 pp., paperback

ISBN: 9789041132956

Price: EUR 96.00 / USD 130.00 / GBP 77.00



Employee Benefits and Executive Compensation

Proceedings of the New York 59th Annual Conference on Labor

edited by David J. Reilly and Samuel Estreicher

Most employers know that rewarding their best workers is good business. However, the “return” on such investment is difficult to measure, and wise employers think long and hard about two of their largest expense items – employee benefits and executive compensation. Today in the United States, under the glare of issues raised by the current financial crisis, company-sponsored benefits programs have become mere shadows of what they once were, and executive compensation has come under intense scrutiny to the point where the Treasury Department monitors it at companies receiving federal assistance.

In recognition of the growing importance of employee benefits and executive compensation issues, the Center for Labor and Employment Law at New York University School of Law dedicated New York University’s 59th Annual Conference on Labor to an in-depth examination of these topics. This volume of the proceedings of the 2006 conference contains papers presented at that meeting, all here updated to reflect recent developments. It also includes contributions from other practitioners and academics with extensive knowledge and experience in this specialized field of labor and employment law.

Among the topics presented and discussed are the following:

- the structure and adequacy of the U.S. system of providing for retirement income;
- alternative models of providing retirement benefits, including a government-provided livable pension;
- accounting standards as a “silent regulator” of defined benefit pension plans ;
- impact and implications of the Pension Protection Act of 2006 (PPA);
- benefits issues for foreign workers in the United States, both documented and undocumented;
- issues for companies that adopt stock acquisition programs as an employee compensation vehicle;
- recent healthcare reform proposals at the state level as pilot projects for a national system;
- the ERISA preemption scheme and denial of coverage under an ERISA-governed health care plan; and
- attorney conflict of interest situations under ERISA.

Table of Contents:

Center for Labor and Employment Law at NYU School of Law. Editor’s Preface. Part I Pension Benefits in the New Century. **Part II** Benefits and Compensation Issues for Multinational Employees. **Part III** Managing Health Care Costs at the Bargaining Table and Beyond. **Part IV** ERISA Preemption Issues. **Part V.** Section 409A Regulations and Executive Contracts. **Part VI** Impact of New Pension Legislation. **Part VII** Issues in Welfare Plan Administration

April 2010, 760 pp., hardbound

ISBN: 9789041132666

Price: EUR 137.00 / USD 185.00 / GBP 110.00

Proceedings New York University Annual Conference Series, Vol. 59

Regulating Employment Relations, Work and Labour Laws

An International Review

edited by Roger Blanpain, Greg J. Bamber and Philippe Pochet

The complexity of employment arrangements in various countries tends to make it difficult to understand them. Nevertheless, it is important to 'take stock' periodically, particularly from an internationally comparative perspective. This remarkable book is a giant step in that direction. It is especially valuable in the context of increasing globalisation.

For each of nine key jurisdictions – the European Union, Germany, Sweden, United Kingdom, United States of America, Canada, New Zealand, Australia, and Japan –experts present detailed information and analysis on key issues, shedding valuable light on trends in such specific areas of employment relations as the following:

- atypical work and flexible work arrangements;
- dispute settlement procedures such as negotiation, conciliation, mediation, arbitration and other forms of governmental or judicial intervention;
- job security, anti-discrimination, and gender equality;
- recognition of unions and employers' associations and forms of employee representation;
- how collective bargaining is regulated, who the collective agreements cover and what they contain;
- parental leave and childcare policy;
- the capacity of individual agreements to override or not override collective agreements;
- minimum wage levels;
- overtime and shift work; and
- paid leave entitlements.

As a general framework, an introductory chapter offers a highly insightful summary of the underpinnings of current analysis of globalization, including discussion of the varieties of capitalism thesis, the divergence/convergence debate (with its models of bipolarization, clustering, and hybridization), and elements of historical and political-economic path dependency in various cultures.

Table of Contents:

Notes on Guest Editors and Lead Authors. Notes on Other Authors. Acknowledgements. List of Abbreviations. Preface. **Part I** Frameworks for Internationally Comparative Analysis. **Part II** An International Review of Key Jurisdictions. **Part III** An International Review of Key Issues. References

May 2010, 224 pp., paperback

ISBN: 9789041131997

Price: EUR 93.00 / USD 125.00 / GBP 74.00

Bulletin of Comparative Labour Relations, vol. 74

Labour Law in Austria

by *Martin E. Risak*

Derived from the renowned multi-volume *International Encyclopaedia of Laws*, this monograph on labour law in Austria not only describes and analyses the legal aspects of labour relations, but also examines labour relations practices and developing trends. It provides a survey of the subject that is both usefully brief and sufficiently detailed to answer most questions likely to arise in any pertinent legal setting.

Both individual and collective labour relations are covered in ample detail, with attention to such underlying and pervasive factors employment contracts, suspension of the contracts, dismissal laws and covenant of non-competition, as well as international private law. The author describes all important details of the law governing hours and wages, benefits, intellectual property implications, trade union activity, employers' associations, workers' participation, collective bargaining, industrial disputes, and much more.

Building on a clear overview of labour law and labour relations, the book offers practical guidance on which sound preliminary decisions may be based. It will find a ready readership among lawyers representing parties with interests in Austria, and academics and researchers will appreciate its value in the study of comparative trends in laws affecting labour and labour relations.

June 2010, 236 pp., paperback

ISBN: 9789041133229

Price: EUR 76.00 / USD 103.00 / GBP 61.00

Labour Law in Spain

by Manuel Alonso Olea and Fermín Rodríguez-Sañudo

Derived from the renowned multi-volume *International Encyclopaedia of Laws*, this monograph on labour law in Spain not only describes and analyses the legal aspects of labour relations, but also examines labour relations practices and developing trends. It provides a survey of the subject that is both usefully brief and sufficiently detailed to answer most questions likely to arise in any pertinent legal setting.

Both individual and collective labour relations are covered in ample detail, with attention to such underlying and pervasive factors employment contracts, suspension of the contracts, dismissal laws and covenant of non-competition, as well as international private law. The authors describe all important details of the law governing hours and wages, benefits, intellectual property implications, trade union activity, employers' associations, workers' participation, collective bargaining, industrial disputes, and much more.

Building on a clear overview of labour law and labour relations, the book offers practical guidance on which sound preliminary decisions may be based. It will find a ready readership among lawyers representing parties with interests in Spain, and academics and researchers will appreciate its value in the study of comparative trends in laws affecting labour and labour relations.

June 2010, 160 pp., paperback

ISBN: 9789041132932

Price: EUR 68.00 / USD 92.00 / GBP 54.00

Labour Law in the Czech Republic

by Jan Pichrt Martin Štefko

Derived from the renowned multi-volume *International Encyclopaedia of Laws*, this monograph on labour law in the Czech Republic not only describes and analyses the legal aspects of labour relations, but also examines labour relations practices and developing trends. It provides a survey of the subject that is both usefully brief and sufficiently detailed to answer most questions likely to arise in any pertinent legal setting.

Both individual and collective labour relations are covered in ample detail, with attention to such underlying and pervasive factors employment contracts, suspension of the contracts, dismissal laws and covenant of non-competition, as well as international private law. The authors describe all important details of the law governing hours and wages, benefits, intellectual property implications, trade union activity, employers' associations, workers' participation, collective bargaining, industrial disputes, and much more.

Building on a clear overview of labour law and labour relations, the book offers practical guidance on which sound preliminary decisions may be based. It will find a ready readership among lawyers representing parties with interests in the Czech Republic, and academics and researchers will appreciate its value in the study of comparative trends in laws affecting labour and labour relations.

June 2010, 264 pp., paperback

ISBN: 9789041133205

Price: EUR 85.00 / USD 115.00 / GBP 68.00

Labour Law in Hong Kong

by Ng Sek Hong

Derived from the renowned multi-volume *International Encyclopaedia of Laws*, this monograph on labour law in Hong Kong not only describes and analyses the legal aspects of labour relations, but also examines labour relations practices and developing trends. It provides a survey of the subject that is both usefully brief and sufficiently detailed to answer most questions likely to arise in any pertinent legal setting.

Both individual and collective labour relations are covered in ample detail, with attention to such underlying and pervasive factors employment contracts, suspension of the contracts, dismissal laws and covenant of non-competition, as well as international private law. The author describes all important details of the law governing hours and wages, benefits, intellectual property implications, trade union activity, employers' associations, workers' participation, collective bargaining, industrial disputes, and much more.

Building on a clear overview of labour law and labour relations, the book offers practical guidance on which sound preliminary decisions may be based. It will find a ready readership among lawyers representing parties with interests in Hong Kong, and academics and researchers will appreciate its value in the study of comparative trends in laws affecting labour and labour relations.

June 2010, 312 pp., paperback

ISBN: 9789041133205

Price: EUR 96.00 / USD 130.00 / GBP 77.00

Labour Law in Belgium

by Roger Blanpain

Derived from the renowned multi-volume *International Encyclopaedia of Laws*, this monograph on labour law in Belgium not only describes and analyses the legal aspects of labour relations, but also examines labour relations practices and developing trends. It provides a survey of the subject that is both usefully brief and sufficiently detailed to answer most questions likely to arise in any pertinent legal setting.

Both individual and collective labour relations are covered in ample detail, with attention to such underlying and pervasive factors employment contracts, suspension of the contracts, dismissal laws and covenant of non-competition, as well as international private law. The author describes all important details of the law governing hours and wages, benefits, intellectual property implications, trade union activity, employers' associations, workers' participation, collective bargaining, industrial disputes, and much more.

Building on a clear overview of labour law and labour relations, the book offers practical guidance on which sound preliminary decisions may be based. It will find a ready readership among lawyers representing parties with interests in Belgium, and academics and researchers will appreciate its value in the study of comparative trends in laws affecting labour and labour relations.

June 2010, 400 pp., paperback

ISBN: 9789041132987

Price: EUR 120.00 / USD 162.00 / GBP 96.00

Labour Law in Sweden

by Axel Adlercreutz and Birgitta Nyström

Derived from the renowned multi-volume *International Encyclopaedia of Laws*, this monograph on labour law in Sweden not only describes and analyses the legal aspects of labour relations, but also examines labour relations practices and developing trends. It provides a survey of the subject that is both usefully brief and sufficiently detailed to answer most questions likely to arise in any pertinent legal setting.

Both individual and collective labour relations are covered in ample detail, with attention to such underlying and pervasive factors employment contracts, suspension of the contracts, dismissal laws and covenant of non-competition, as well as international private law. The author describes all important details of the law governing hours and wages, benefits, intellectual property implications, trade union activity, employers' associations, workers' participation, collective bargaining, industrial disputes, and much more.

Building on a clear overview of labour law and labour relations, the book offers practical guidance on which sound preliminary decisions may be based. It will find a ready readership among lawyers representing parties with interests in Sweden, and academics and researchers will appreciate its value in the study of comparative trends in laws affecting labour and labour relations.

June 2010, 262 pp., paperback

ISBN: 9789041132918

Price: EUR 85.00 / USD 115.00 / GBP 68.00

Labour Law in Latvia

by *Ineta Tāre*

Derived from the renowned multi-volume *International Encyclopaedia of Laws*, this monograph on labour law in Latvia not only describes and analyses the legal aspects of labour relations, but also examines labour relations practices and developing trends. It provides a survey of the subject that is both usefully brief and sufficiently detailed to answer most questions likely to arise in any pertinent legal setting.

Both individual and collective labour relations are covered in ample detail, with attention to such underlying and pervasive factors employment contracts, suspension of the contracts, dismissal laws and covenant of non-competition, as well as international private law. The author describes all important details of the law governing hours and wages, benefits, intellectual property implications, trade union activity, employers' associations, workers' participation, collective bargaining, industrial disputes, and much more.

Building on a clear overview of labour law and labour relations, the book offers practical guidance on which sound preliminary decisions may be based. It will find a ready readership among lawyers representing parties with interests in Latvia, and academics and researchers will appreciate its value in the study of comparative trends in laws affecting labour and labour relations.

June 2010, 116 pp., paperback

ISBN: 9789041133250

Price: EUR 68.00 / USD 92.00 / GBP 54.00

The European Union Legal Order after Lisbon

edited by Patrick Birkinshaw and Mike Varney

After a variety of stumbling blocks and false starts, the Treaty of Lisbon is now in force, despite the widespread instability let loose in the last two years as protectionism reared its terrified head in many EU Member States and nationalisation and massive state support for the national banking sector became panaceas for the global financial drama. Nonetheless, forces are still at large that seem to threaten the basic freedoms of the Union and to undermine the future of the common market. Given these circumstances, in June 2009 the Institute of European Public Law of the University of Hull assembled a range of experts in relevant fields to offer papers and reach some consensus on what has been achieved in the EU legal order and what the future holds for that order given local tensions and global uncertainty. This remarkable volume reprints those papers.

Sixteen well-known scholars in European law and politics present insightful (and sometimes provocative) studies in such areas as the following:

- the future of European Public Law and its limits;
- the future of the European order;
- the EU and global administrative law;
- European law between constitutionalism and governance;
- legal control of regulatory bodies;
- reforms in financial and banking regulation;
- competition and public services;
- regulating media markets;
- the EU human rights regime;
- citizenship and European democracy;
- asylum policy;
- EU transparency and access to documents;

Table of Contents:

Introduction; *P. Birkinshaw, M. Varney*. **Part One: The Future of the European Union Legal and Political Order.** The Future of European Public Law; *J. Schwarze*. The Future of the European Order; *J.E Fossum*. The EU and Global Administrative Law; *J.-B. Auby*. Governance and Constitutionalism in the European Order; *A. Menendez*. **Part Two: The Future of Regulation.** Legal Control of Regulatory Bodies: Principle, Policy and Teleology; *P. Craig*. Financial Regulation: From Harmonisation to the Birth of EU Federal Financial Law; *T. Tridimas*. The State, Competition and Public Service; *C. Bovis*. Regulating Media Markets: The Need for Subsidiarity and Clarity of Principle; *M. Feintuck, M. Varney*. **Part Three: Citizenship and Human Rights.** EU Law's Fundamental Rights Regime and Post-national Constitutionalism: Kadi's Global Setting; *G. Anthony*. Citizenship and European Democracy: Between the European Constitution and the Treaty of Lisbon; *M. La Torre*. The European Asylum Policy: Between Myth and Reality; *D.U. Galetta*. Transparency and Access to Documents; *P. Birkinshaw*. **Part Four: Constitutional and Legal Principles in an Uncertain Order.** Multilevel Governance and Executive Federalism: Comparing Germany and the European Union; *J. Ziller*. The Role of European Judges in an Era of Uncertainty; *J. Bell*. The Esoteric Dimension of Constitutional Pluralism: EU's Internal Constitutional Sub-units and the Non-symbolic Cumulative Constitution; *C. Kombos*.

April 2010, 400 pp., hardbound

ISBN: 9789041131522

Price: EUR 130.00 / USD 176.00 / GBP 104.00

Guide to EU Pharmaceutical Regulatory Law

edited by Sally Shorthose, Bird & Bird

In the European Union and its Member States, as elsewhere, the marketing of pharmaceuticals has become subject to an increasingly complex web of legislation and regulation, resulting from the intense scrutiny of the urgent and essential role such products play in human development and welfare worldwide. This incomparably useful volume lays out this system with extraordinary clarity and logic. Adopting a Europe-wide perspective on the law governing pharmaceuticals, its expert authors from the law firm Bird & Bird LLP map the life cycle of a medicinal product or medical device from development to clinical trials to product launch and ongoing pharmacovigilance, offering clear unambiguous guidance in matters of regulatory law at every stage.

Following an introductory overview focusing on the regulatory framework for pharmaceuticals in Europe – from its underlying rationales to the relevant committees and agencies – each of fifteen incisive chapters examines a particular process or subject. Among the many topics and issues covered are the following:

- obtaining a marketing authorisation;
- stages and standards for creating a product dossier;
- clinical trials;
- how and when an abridged procedure can be used;
- criteria for conditional marketing authorisations;
- generic products and 'essential similarity';
- paediatric use and the requisite additional trials;
- biologicals and 'biosimilars';
- homeopathic and herbal medicines;
- reporting procedures;
- notification of adverse events;
- parallel trade;
- relevant competition law and intellectual property rights; and
- advertising.

Especially useful features include national variation charts in many of the chapters for eight major jurisdictions (Belgium, France, Germany, Italy, The Netherlands, Spain, Sweden, and the UK), sample forms and URLs for the most important Directives,

Table of Contents:

Foreword. List of Terms and Abbreviations. **1.** Overview of European Pharmaceutical Regulatory Requirements. **2.** Obtaining a Marketing Authorisation. **3.** Pharmacovigilance. **4.** Clinical Trials. **5.** Obtaining a Marketing Authorisation: Abridged Procedure. **6.** Conditional Marketing Authorisations. **7.** Variations to Marketing Authorisations. **8.** Paediatrics. **9.** Combination Products. **10.** Biologicals. **11.** Orphan Drug Protection. **12.** Homeopathic, Herbal, and Traditional Herbal Medicinal Products. **13.** Medical Devices. **14.** Parallel Trade Limitations. **15.** Competition Law in the Pharmaceutical Sector. **16.** Advertising Medicinal Products for Human Use. Cases. Directives. Other Legislation. Regulations.

May 2010, 656 pp., paperback

ISBN: 9789041128454

Price: EUR 222.00 / USD 300.00 / GBP 178.00

The Software Interface between Copyright and Competition Law

A Legal Analysis of Interoperability in Computer Programs

by Ashwin van Rooijen

The success of computer programs often depends on their ability to *interoperate* – or communicate – with other systems. In proprietary software development, however, the need to protect access to source code, including the interface information necessary for interoperability, is of vital importance. This apparent conflict gives rise to a complex interaction between copyright law and competition law, as the strong need for interoperability in computer programs affects both innovation and competition. This important book offers the first in-depth analysis of the current respective copyright and competition law approaches to interoperability. With respect to copyright law, the book offers an in-depth analysis of how copyright law has been applied to computer programs, how this form of protection affects interoperability, and how the European Software Directive – including its interpretation by courts in Member States – aims to facilitate interoperability. With respect to competition law, the author critically analyzes the application of Article 102 of the TFEU to refusals to supply interface information, including a discussion on the tension between copyright and competition law. The author also examines the substantial body of U.S. case law and accompanying literature on the interplay between copyright law, software and interoperability. Based further on a comparison with relevant *ex-ante* interconnection rules in European design protection law and telecommunications law, the author advances several recommendations aimed at facilitating interoperability in software copyright law.

Three interrelated approaches combine to convey an integrated and immediately accessible understanding of the subject:

- how interoperability affects the balance between innovation and free competition in software;
- which of two regimes – copyright law or competition law – should primarily be concerned with striking this balance as affected by interoperability; and
- which particular instruments are suitable to approach this problem within these respective regimes.

Because of the in-depth analysis of the software interoperability problem with related legal disciplines in both Europe and the United States, and due to the clarity of the presentation, this will be welcomed as a valuable resource by practitioners, jurists, and academics concerned with copyright protection of computer software, interoperability and the interaction between copyright and competition law.

Table of Contents:

1. Introduction.
 2. Interfaces and Interoperability in Context.
 3. Copyright Law.
 4. Competition Law.
 5. Ex-ante Interconnection Rules.
 6. Conclusion: Rethinking the Interface.
- Appendix. Bibliography.

May 2010, 440 pp., hardback

ISBN: 9789041131935

Price: EUR 130.00 / USD 176.00 / GBP 104.00

Information Law Series, vol. 20



Collective Management of Copyright and Related Rights

Second revised edition

edited by Daniel Gervais

This book provides the reader with the following information:

- description of the organizations that provide collective management services;
- suggestions how collective management can be made more efficient in the Internet age;
- the effect of WIPO Copyright Treaties and the TRIPS Agreement;
- the emerging intersection of copyright management and human rights;
- recent developments at the European Union level;
- particular analysis of the situation in various countries, including France, Germany, the UK and Ireland, the Nordic countries, Australia, Canada, and Japan, as well as general discussions relating to Asia and Latin America.

June 2010, 440 pp., hardback

ISBN: 9789041127242

Price: EUR 130.00 / USD 176.00 / GBP 104.00

Intellectual Property Law in Australia

by *William van Caenegem*

Derived from the renowned multi-volume *International Encyclopaedia of Laws*, this monograph provides a survey and analysis of the rules concerning intellectual property rights in Australia. It covers every type of intellectual property right in depth – copyright and neighbouring rights, patents, utility models, trademarks, trade names, industrial designs, plant variety protection, chip protection, trade secrets, and confidential information. Particular attention is paid throughout to recent developments and trends.

The analysis approaches each right in terms of its sources in law and in legislation, and proceeds to such legal issues as subject matter of

- protection,
- conditions of protection,
- ownership,
- transfer of rights,
- licences,
- scope of exclusive rights,
- limitations,
- exemptions,
- duration of protection,
- infringement,
- available remedies,
- and overlapping with other intellectual property rights.

The book provides a clear overview of intellectual property legislation and policy, and at the same time offers practical guidance on which sound preliminary decisions may be based. Lawyers representing parties with interests in Australia will welcome this very useful guide, and academics and researchers will appreciate its value in the study of comparative intellectual property law.

Table of Contents:

Table of Contents. The Author. List of Abbreviations. General Introduction. **Chapter 1** Copyright and Neighbouring Rights. **Chapter 2** Patents. **Chapter 3**. Utility Models. **Chapter 4**. Trademarks. **Chapter 5** Trade Names and the Action for Passing Off. **Chapter 6**. Industrial Designs. **Chapter 7**. Plant Variety Protection. **Chapter 8**. Chip Protection. **Chapter 9**. Confidential Information and Trade Secrets. Index

June 2010, 200 pp., paperback

ISBN: 9789041133007

Price: EUR 76.00 / USD 103.00 / GBP 61.00



Intellectual Property Law in Ireland

by Robert Clark and Máire Ní Shúilleabháin

Derived from the renowned multi-volume International *Encyclopaedia of Laws*, this monograph provides a survey and analysis of the rules concerning intellectual property rights in Ireland. It covers every type of intellectual property right in depth – copyright and neighbouring rights, patents, utility models, trademarks, trade names, industrial designs, plant variety protection, chip protection, trade secrets, and confidential information. Particular attention is paid throughout to recent developments and trends.

The analysis approaches each right in terms of its sources in law and in legislation, and proceeds to such legal issues as subject matter of

- protection,
- conditions of protection,
- ownership,
- transfer of rights,
- licences,
- scope of exclusive rights,
- limitations,
- exemptions,
- duration of protection,
- infringement,
- available remedies,
- and overlapping with other intellectual property rights.

The book provides a clear overview of intellectual property legislation and policy, and at the same time offers practical guidance on which sound preliminary decisions may be based. Lawyers representing parties with interests in Ireland will welcome this very useful guide, and academics and researchers will appreciate its value in the study of comparative intellectual property law.

June 2010, 210 pp., paperback

ISBN: 9789041133021

Price: EUR 76.00 / USD 103.00 / GBP 61.00

Intellectual Property Law in Cyprus

by *Christos Achilles Theodoulou*

Derived from the renowned multi-volume *International Encyclopaedia of Laws*, this monograph provides a survey and analysis of the rules concerning intellectual property rights in Cyprus. It covers every type of intellectual property right in depth – copyright and neighbouring rights, patents, utility models, trademarks, trade names, industrial designs, plant variety protection, chip protection, trade secrets, and confidential information. Particular attention is paid throughout to recent developments and trends.

The analysis approaches each right in terms of its sources in law and in legislation, and proceeds to such legal issues as subject matter of

- protection,
- conditions of protection
- ownership,
- transfer of rights,
- licenses,
- scope of exclusive rights,
- limitations,
- exemptions,
- duration of protection,
- infringement,
- available remedies,
- and overlapping with other intellectual property rights.

The book provides a clear overview of intellectual property legislation and policy, and at the same time offers practical guidance on which sound preliminary decisions may be based. Lawyers representing parties with interests in Cyprus will welcome this very useful guide, and academics and researchers will appreciate its value in the study of comparative intellectual property law.

Table of Contents:

The Author. List of Abbreviations. Preface. General Introduction. **Chapter 1** Copyright and Neighbouring Rights. **Chapter 2** Patents. **Chapter 3** Utility Models. **Chapter 4** Trademarks. **Chapter 5** Tradenames. **Chapter 6** Industrial Designs. **Chapter 7** Plant Variety Protection. **Chapter 8** Chip Protection. **Chapter 9** Trade Secrets: Confidential Information. **Chapter 10** Geographical Indications and Appellations of Origin. Index

June 2010, 104 pp., paperback

ISBN: 9789041133410

Price: EUR 68.00 / USD 92.00 / GBP 54.00



International Judicial Control of Environmental Protection

Standard Setting, Compliance Control and the Development of International Environmental Law by the International Judiciary

by *Yasuhiro Shigeta*

It is widely understood today that nothing is more urgently needed than international agreement on the scale, application and enforcement of environmental law. This outstanding book – a major contribution to the debate – demonstrates that existing international judicial bodies have already taken giant steps toward overcoming the insufficiency of international law enforcement with standards, compliance mechanisms, and new law development in the field of environmental law. The author not only presents a detailed analysis of a wealth of relevant case law, but also outlines a model suggesting that a commitment to international judicial control can be used to contain deviance within acceptable limits, ensure harmonized interaction among regimes, and clarify the meaning and application of environmental norms.

With pervasive attention to the differing demands of inter-State relations and State-individual relations, and of the varieties of "soft" and "hard" control, the book considers the ways in which the proposed judicial control could move powerfully toward minimizing damage in such legal environmental areas as the following:

- Conservation of marine living resources;
- Obligation not to cause transfrontier pollution harm;
- The human rights challenge to state sovereignty;
- Equitable utilization of international watercourses;
- Noise; and
- Nuclear risk.

Among the international judicial regimes examined are the GATT/WTO judiciaries, the International Court of Justice, the International Tribunal for the Law of the Sea, The European Court of Justice, The European Court of Human Rights and other regional human rights courts and commissions, decisions of arbitral tribunals, the Montreal Protocol Non-Compliance Procedure, and the Human Rights Committee of the International Covenant on Civil and Political Rights.

It is no exaggeration to say that the environment has taken centre stage in international affairs, and this book's provocative proposal cuts through the much-lamented ineffectiveness of international law where it matters most. In its clear-headed recommendations of practical ways to resolve ambiguities, confront recurrent non-compliance, and cure the absence and defects of applicable rules, it will be of immeasurable value to policymakers, practitioners and academics concerned with international environmental law.

Table of Contents:

Preface. Foreword. Acknowledgement. List of Abbreviations. **Chapter 1** Introduction **Chapter 2** Preparatory Considerations **Chapter 3** Standard Setting **Chapter 4** Compliance Control **Chapter 5** Law Development **Chapter 6** Synthesis of the Analysis. Bibliography. Table of Cases. Table of International Instruments. Index

May 2010, 440 pp., hardback, ISBN: 9789041131515

Price: EUR 130.00 / USD 176.00 / GBP 104.00

Energy and Environmental Law and Policy Series, vol. 9

Energy Law in Finland

by Kim Talus, Alice Guimaraes-Purokoski, Arto Rjala, Laura Huomo, Petri Vesa, Tuija Kaijalainen and Leea Salminen

Derived from the renowned multi-volume *International Encyclopaedia of Laws*, this book provides a systematic approach to legislation and legal practice concerning energy resources and production in Finland. The book describes the administrative organization, regulatory framework, and relevant case law pertaining to the development, application, and use of such forms of energy as electricity, gas, petroleum, and coal, with attention as needed to the pervasive legal effects of competition law, environmental law, and tax law.

A general introduction covers the geography of energy resources, sources and basic principles of energy law, and the relevant governmental institutions. Then follows a detailed description of specific legislation and regulation affecting such factors as

- documentation
- undertakings
- facilities
- storage
- pricing
- procurement and sales
- transportation
- transmission
- distribution, and,
- supply of each form of energy.

Case law, intergovernmental cooperation agreements, and interactions with environmental, tax, and competition law are explained.

Its succinct yet scholarly nature, as well as the practical quality of the information it provides, make this book a valuable resource for energy sector policymakers and energy firm counsel handling cases affecting Finland. It will also be welcomed by researchers and academics for its contribution to the study of a complex field that today stands at the foreground of comparative law.

June 2010, 218 pp., paperback

ISBN: 9789041133243

Price: EUR 76.00 / USD 103.00 / GBP 61.00

Sports Law in Italy

by Michele Colucci

Derived from the renowned multi-volume *International Encyclopaedia of Laws*, this practical analysis of sports law in Italy deals with the regulation of sports activity by both public authorities and private sports organizations. The growing internationalization of sports inevitably increases the weight of global regulation, yet each country maintains its own distinct regime of sports law and its own national and local sports organizations. Sports law at a national or organizational level thus gains a growing relevance in comparative law.

The book describes and discusses both state-created rules and autonomous self-regulation regarding the variety of economic, social, commercial, cultural, and political aspects of sports activities. Self-regulation manifests itself in the form of by-laws, and encompasses organizational provisions, disciplinary rules, and rules of play. However, the trend towards more professionalism in sports and the growing economic, social and cultural relevance of sports have prompted an increasing reliance on legal rules adopted by public authorities. This form of regulation appears in a variety of legal areas, including criminal law, labour law, commercial law, tax law, competition law, and tort law, and may vary following a particular type or sector of sport. It is in this dual and overlapping context that such much-publicized aspects as doping, sponsoring and media, and responsibility for injuries are legally measured.

This monograph fills a gap in the legal literature by giving academics, practitioners, sports organizations, and policymakers access to sports law at this specific level. Lawyers representing parties with interests in Italy will welcome this very useful guide, and academics and researchers will appreciate its value in the study of comparative sports law.

Table of Contents:

The Author. List of Abbreviations. Acknowledgements. General Introduction. **Part I. Organization of Sport. Chapter 1** Public Regulation. **Chapter 2** Private Regulation. **Part II. Sport and Employment. Chapter 1** Sports Regulation. **Chapter 2** Personality Rights. **Chapter 3** Social Security. **Part III. Doping and Sport. Chapter 1** Introduction. **Chapter 2** Legal Measures Prior to Ratification of the Anti-doping Convention. **Chapter 3** Anti-doping Measures Following Ratification of the Convention. **Chapter 4** Law No. 376 of 14 December 2000. **Chapter 5** Control of Players' Activities. **Chapter 6** Disciplinary Provisions. **Part IV. Sport and Commerce. Chapter 1** Broadcasting of Sports Events. **Chapter 2** Sport and Competition Law. **Chapter 3** Sponsorship. **Chapter 4.** Merchandising. Conclusion. Index

May 2010, 160 pp., paperback

ISBN: 9789041133045

Price: EUR 68.00 / USD 92.00 / GBP 54.00

Sports Law in South Africa

by *André M. Louw*

Derived from the renowned multi-volume *International Encyclopaedia of Laws*, this practical analysis of sports law in South Africa deals with the regulation of sports activity by both public authorities and private sports organizations. The growing internationalization of sports inevitably increases the weight of global regulation, yet each country maintains its own distinct regime of sports law and its own national and local sports organizations. Sports law at a national or organizational level thus gains a growing relevance in comparative law.

The book describes and discusses both state-created rules and autonomous self-regulation regarding the variety of economic, social, commercial, cultural, and political aspects of sports activities. Self-regulation manifests itself in the form of by-laws, and encompasses organizational provisions, disciplinary rules, and rules of play. However, the trend towards more professionalism in sports and the growing economic, social and cultural relevance of sports have prompted an increasing reliance on legal rules adopted by public authorities. This form of regulation appears in a variety of legal areas, including criminal law, labour law, commercial law, tax law, competition law, and tort law, and may vary following a particular type or sector of sport. It is in this dual and overlapping context that such much-publicized aspects as doping, sponsoring and media, and responsibility for injuries are legally measured.

This monograph fills a gap in the legal literature by giving academics, practitioners, sports organizations, and policymakers access to sports law at this specific level. Lawyers representing parties with interests in South Africa will welcome this very useful guide, and academics and researchers will appreciate its value in the study of comparative sports law.

Table of Contents:

The Author. The Contributors. List of Abbreviations. Acknowledgements. General Background. **Part I. Organization of Sports. Chapter 1** Public Regulation of Sport. **Chapter 2.** Private Governance of Sport. **Part II. Sport and Employment. Part III. Liability for Sports (and Sports-Related) Injuries. Chapter 1** Criminal Law. **Chapter 2** Delictual Liability (Liability in Tort) for Sports Injuries. **Part IV. Sport and Competition Law. Part V.** Sport and Commerce. Conclusion. Index

May 2010, 520 pp., paperback

ISBN: 9789041133144

Price: EUR 120.00 / USD 162.00 / GBP 96.00

Cyber Law in Australia

by Eugene Clark, George Cho, Arthur Hoyle and Paul Hynes

Derived from the renowned multi-volume *International Encyclopaedia of Laws*, this practical guide to cyber law – the law affecting information and communication technology (ICT) – in Australia covers every aspect of the subject, including intellectual property rights in the ICT sector, relevant competition rules, drafting and negotiating ICT-related contracts, electronic transactions, privacy issues, and computer crime. Lawyers who handle transnational matters will appreciate the detailed explanation of specific characteristics of practice and procedure.

Following a general introduction, the book assembles its information and guidance in seven main areas of practice: the regulatory framework of the electronic communications market; software protection, legal protection of databases or chips, and other intellectual property matters; contracts with regard to software licensing and network services, with special attention to case law in this area;

- rules with regard to electronic evidence,
- regulation of electronic signatures,
- electronic banking and electronic commerce;
- specific laws and regulations with respect to the liability of network operators and service providers and related product liability;
- protection of individual persons in the context of the processing of personal data and confidentiality;
- and the application of substantive criminal law in the area of ICT.

Its succinct yet scholarly nature, as well as the practical quality of the information it provides, make this book a valuable time-saving tool for business and legal professionals alike. Lawyers representing parties with interests in Australia will welcome this very useful guide, and academics and researchers will appreciate its value in the study of comparative law in this relatively new and challenging field.

June 2010, 422 pp., paperback

ISBN: 9789041133502

Price: EUR 120.00 / USD 162.00 / GBP 96.00

Cyber Law in the United Kingdom

by Ian Lloyd

Derived from the renowned multi-volume *International Encyclopaedia of Laws*, this practical guide to cyber law – the law affecting information and communication technology (ICT) – in the United Kingdom covers every aspect of the subject, including intellectual property rights in the ICT sector, relevant competition rules, drafting and negotiating ICT-related contracts, electronic transactions, privacy issues, and computer crime. Lawyers who handle transnational matters will appreciate the detailed explanation of specific characteristics of practice and procedure.

Following a general introduction, the book assembles its information and guidance in seven main areas of practice: the regulatory framework of the electronic communications market; software protection, legal protection of databases or chips, and other intellectual property matters; contracts with regard to software licensing and network services, with special attention to case law in this area;

- rules with regard to electronic evidence,
- regulation of electronic signatures,
- electronic banking, and electronic commerce;
- specific laws and regulations with respect to the liability of network operators and service providers and related product liability;
- protection of individual persons in the context of the processing of personal data and confidentiality;
- and the application of substantive criminal law in the area of ICT.

Its succinct yet scholarly nature, as well as the practical quality of the information it provides, make this book a valuable time-saving tool for business and legal professionals alike. Lawyers representing parties with interests in the United Kingdom will welcome this very useful guide, and academics and researchers will appreciate its value in the study of comparative law in this relatively new and challenging field.

June 2010, 246 pp., paperback

ISBN: 9789041133120

Price: EUR 76.00 / USD 103.00 / GBP 61.00

Europe-China Tax Treaties

Edited by: Michael Lang, Jianwen Liu, Gongliang Tang

The book is the result of a joint research project on the tax treaties concluded between the People's Republic of China and European countries.

Each chapter carefully analyses the extent to which Chinese tax treaties follow the OECD Model Tax Convention on Income and Capital and the UN Income and Capital Model Convention. The focus is on the different policy decisions underlying the various provisions. Additionally, the contributions analyse the extent to which Chinese tax treaty policy differs with respect to EU and non-EU Member States. They also highlight relevant policy changes over time. The fact that each contribution is the product of the collaboration between European and Chinese researchers and includes the results of the International Conference on Europe - China Tax Treaties Research, held in March 2009 in Beijing, serves to enrich its analysis.

Among the topics covered are the following:

- Treaty Entitlement (Articles 1, 4 and 24 OECD Model)
- Business Profits (Articles 5, 6, 7, 8, 9, and 14 OECD Model)
- Passive Income (Articles 10, 11, and 12 OECD Model)
- Capital Gains (Article 13 OECD Model)
- Employment Income (Articles 15, 16, 18, 19, and 20 OECD Model)
- Artistes and Sportsmen (Article 17 OECD Model)
- Methods to Avoid Double Taxation (Article 23 OECD Model)
- Non-Discrimination (Article 24 OECD Model)
- Mutual Agreement, Exchange of Information and Mutual Assistance in the Collection of Taxes (Articles 25, 26 and 27 OECD Model)

June 2010, 320 pp., hardback

ISBN: 9789041132161

Price: EUR 130.00 / USD 176.00 / GBP 104.00

EUCOTAX Series on European Taxation, vol. 26

Protection of Taxpayers' Rights

European, International and Domestic Tax Law Perspectives

Edited by Włodzimierz Nykiel and Małgorzata Sęk

This book is the result of an international conference on "Taxpayer Protection. Tax Policy" organized to celebrate the 10th anniversary of the Centre of Tax Documentation and Studies in Łódź, Poland. The conference was held on 9 and 10 May 2008 on the premises of the University of Łódź.

The book, like the first part of the conference, deals with the issue of the protection of taxpayer's rights from the perspective of European tax law, international tax law, as well as the domestic tax law of nine countries. The theory of taxpayer protection is also covered.

Following a theoretical introduction, the protection and enforcement of taxpayer's rights in European tax law is discussed, as well as the role of the European Court of Justice and the need for a European Court of Taxation. The European Convention on Human Rights and double tax treaties based on the OECD Model Convention are analyzed as international instruments of taxpayer protection. The role of Bills/Charters of Taxpayers' Rights and Tax Ombudsmen is also discussed.

National reports, drawn up in accordance with uniform guidelines, provide a good basis for a comparison of various aspects of domestic tax systems which influence taxpayer's rights. Among other things, the following issues are discussed: the burden of proof in tax proceedings, administrative and judicial review of tax decisions, tax refund and private advance tax rulings. Moreover, the current national debates in the area of taxpayer's rights protection are highlighted. Systematized comparative conclusions can be found in the general report of the conference, which also summarizes the findings of the national reports

Table of Contents:

Foreword. The Centre of Tax Documentation and Studies and the Foundation Centre of Tax Documentation and Studies. TAXPAYER PROTECTION - SELECTED ISSUES

June 2010, 412 pp., hardbound

ISBN: 9789041132734

Price: EUR 66.00 / USD 89.00 / GBP 53.00

Co-publication with Wolters Kluwer Poland

European Direct Taxation

Case Law and Regulations, second revised edition

Dennis Weber

Practitioners and researchers with an on-going interest in European direct taxation require ready access to applicable case law and regulations. But access is inadequate if the materials are not well organized and kept current on reliable basis.

The key features of this highly useful work are designed to address many of the most common research needs of professionals involved in the field of European direct taxation:

- Includes summaries of all judgments – and pending cases – of the European Court of Justice covering direction taxation, organized in a thematic fashion. Also features chronological, alphabetical, and case number lists as well as a subject index.
- Provides consolidated, up-to-date versions of all pertinent regulations as well as relevant working papers and communications of the European Commission.

Based on his well earned reputation as a tax expert, the editor Prof. Dr. Dennis M. Weber also reviewed the relevant working papers, Commission communications, etc., and selected the most pertinent to practitioners and researchers for inclusion in this indispensable, time-saving resource.

Table of Contents:

Detailed Contents. Part I General Part II Case Law. **Chapter 1** EU Treaty Freedoms. **Chapter 2** Directives. **Chapter 3** Miscellaneous. **Chapter 4** Pending Cases Part III Regulations. **Chapter 5** Primary European Union Law. **Chapter 6** Directives. **Chapter 7** Mutual Assistance in Tax Matters. **Chapter 8** European Company. **Chapter 9** Communications/Recommendations/Resolutions. **Chapter 10** Common Consolidated Corporate Tax Base (CCCTB). **Chapter 11** Tax Treaties. **Chapter 12** Arbitration Convention. **Chapter 13** State Aid/Harmful Tax Competition

May 2010, 1628 pp., paperback

ISBN: 9789041133366

Approximate Price: EUR 99.00 / USD 134.00 / GBP 79.00

Includes a 1 year online subscription

Also available online

*For more information on this online service, please contact our Sales department:
tel +31 (0)172 64 1562 or visit the website www.kluwerlawonline.com*

International Trade in Gambling Services

by *Madalina Diaconu*

The purpose of this work is to assess the current regulation of international trade in gambling services. Departing from different national definitions, "gambling" represents, in this study, all services which involve wagering a stake with monetary value in uncertain events driven (at least partially) by chance, including lotteries, casino and betting transactions.

International trade of such services implies that the provider, the beneficiary or the service itself must cross a national border. Therefore, notwithstanding a brief evocation of selected national legal frameworks on five continents, this research has striven to focus on international regulations governing – principally or incidentally – provision of such services. In this context, Internet-provided gambling services were granted special attention.

The Introduction lays the basic frame by exposing the historical, economic and legal background surrounding games of chance in numerous countries on the five continents, which are essentially divided into "gambling – restrictive" or "gambling – liberal" jurisdictions. It also gives a definition of "gambling" services in this study, and it endeavors to classify such services in different categories (lotteries, betting, casino-type gambling, other types including media gambling and sales promotion services, examined from a "land-based" or "remote" perspective).

The First Part (Global Trade in Gambling Services) is dedicated to international instruments regulating trade in services with a global reach. It is further divided in two main subparts, as unequal in importance as the instruments they analyze. The first relates to the prominent General Agreement on Trade in Services (GATS), signed by 153 countries under the auspices of the World Trade Organization. The second, more modest, examines the services liberalization framework established by the Organization for Economic Co-operation and Development (OECD) for its 30 member countries.

The Second Part (Regional Trade in Gambling Services) scrutinizes gambling trade with a regional vocation. To this purpose, it analyzes the framework of the most successful preferential trade agreements to date, which have created a closer cooperation with respect to services between regional partners. This part is thus further divided in subparts dedicated to the following integrated trade areas: the European Union (EU), the European Free Trade Agreement (EFTA), the North American Free Trade Agreement (NAFTA), the Central American Free Trade Agreement (DR-CAFTA), the Mercado Comun del Sur (MERCOSUR), and the Association of South East Asian Nations Free Trade Area (ASEAN).

Table of Contents:

Foreword. Acknowledgements. **Part I Introduction Chapter 1** Succinct Facts and Figures **Chapter 2** Definition of Gambling **Chapter 3** Categories of Gambling **Chapter 4** National Regulation of Cross-Border Gambling Services **Part II Global Trade in Gambling Services Chapter 5** Trade in Gambling Services in the GATS **Chapter 6** Trade in Services and the OECD **Part III Regional Trade in Gambling Services Chapter 7** Trade in Gambling Services in the European Union **Chapter 8** Trade in Gambling Services under EFTA **Chapter 9** Trade in Gambling Services under NAFTA **Chapter 10** Trade in Gambling Services under DR-CAFTA **Chapter 11** Trade in Gambling Services under MERCOSUR **Chapter 12** Trade of Gambling Services under ASEAN FTA Conclusion and Closing Remarks. List of Cases. General Bibliography. Gambling-Related Bibliography. Other Documents. Index.

May 2010, 296 pp., hardbound, ISBN: 9789041132482

Price: EUR 130.00 / USD 176.00 / GBP 104.00

Global Trade Law Series, vol. 28

Quick Reference Guide to the Trade and Customs Law of China

by PwC Worldtrade Management Services

There are many challenges in doing business in the People's Republic, particularly in the areas of trade and customs, but they are not insurmountable problems given the practical guidance reflected in *Quick Reference to the Trade and Customs Law of China*.

Quick Reference to the Trade and Customs Law of China is the perfect resource for busy professionals seeking to manage PRC-related import-export risk, reduce costs and increase efficiency. This highly accessible reference distills the problem-solving process by anticipating the relevant challenges and providing reliable help.

Authored by the experts at PricewaterhouseCoopers Worldtrade Management Services (Shanghai), *Quick Reference to the Trade and Customs Law of China* is an indispensable tool to proactively address the challenges and opportunities posed by the PRC.

Table of Contents:

Table of Contents. Introduction. About the Author. List of Abbreviations. **Chapter 1** Overview of China Customs and Trade Laws. **Chapter 2.** Administration of Customs and Trade Laws. **Chapter 3** General Import and Export Customs Procedures. **Chapter 4** Tariff Classification of Goods. **Chapter 5** Customs Valuation of Goods. **Chapter 6** Country of Origin. **Chapter 7** Free Trade Agreements. **Chapter 8** Processing Trade. **Chapter 9** Bonded Zones. **Chapter 10** Duty-Exempt Capital Equipment. **Chapter 11** Other Duty Reductions and Suspensions. **Chapter 12** Customs Audits and Investigations.

June 2010, 508 pp., paperback, Annual Manual

ISBN: 9789041131546

Approximate Price: EUR 188.00 / USD 254.00 / GBP 150.00

Understanding the North American Free Trade Agreement

Legal and Business Consequences, Third revised Edition

by Leslie Alan Glick

Every international corporate executive, customs broker, banker, and attorney needs to know what the North American Free Trade Agreement (NAFTA) will mean to their business and their client's business.

Understanding the North American Free Trade Agreement is an easy-to-understand summary and analysis of the major provisions and side agreements of this landmark accord. It is written in terms simple enough for the layman, but also contains the detailed information that will assist the experienced international trade executive or attorney.

The new third edition updates NAFTA through the 2008 US elections and the activities relating NAFTA of the new Obama administration. The book contains extensive discussion of the NAFTA arbitration decisions, including summaries of important investor state cases in the Appendices.

'If you need a short, but authoritative discussion of NAFTA, this is the place to look.'

J. Mattera, *International Trade Information Resources*

Table of Contents:

I. The North American Free Trade Agreement: What It Is and What It is Not. II. The NAFTA: What Changes to Expect III. Rules of Origin, Valuation and Customs Duties: 'What You Need to Know to Understand the Rules of Origin' IV. The Supplemental Agreements V. Post-NAFTA Developments VI. Conclusion **Appendices**

June 2010, 200 pp., hardback

ISBN: 9789041132055

Price: EUR 125.00 / USD 169.00 / GBP 100.00

The Rotterdam Rules 2008

Commentary to the United Nations Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea

edited by Alexander von Ziegler, Johan Schelin and Stefano Zunarelli

The 2008 UNCITRAL Convention commonly known as the Rotterdam Rules promises to achieve the hitherto elusive goal of a legal unification of international transport contracts. Its innovative set of rules accommodates such modern trade practices as those treating the carriage of goods by sea as part of wider door-to-door commercial transport operations and those relying on electronic commerce. It closes many gaps in the existing international transport regime, thoroughly specifying the relation of transport documents to the rights and obligations between exporters and importers of goods, and clarifying the interests of credit and insurance in contracts of carriage.

This remarkable book, which will examine the Rotterdam Rules in depth, is edited and written by international lawyers intimately familiar with the negotiations leading to the Convention in finished form. It proceeds by a detailed analysis of each of the Convention's 18 chapters in turn, in a clause-by-clause manner, drawing attention to interlinking implications throughout the document. The book's lucid insights and guidance are especially valuable in showing exactly how the Rules improve the existing international transport regime through its clearer and more complete regulation of such elements as the following:

- allocation of burden of proof;
- evidentiary value of transport documents and electronic records, including non-negotiable documents and records;
- freedom of contract in respect of volume contracts;
- continuous character of the obligation of seaworthiness;
- limits of liability;
- rights during transit;
- recovery of loss of and damage to goods caused by accidents of navigation;
- jurisdiction and arbitration;
- role of subcontracted carriers both on sea and inland;
- role of warehouses, transport terminals and stevedoring companies;

Table of Contents:

Foreword by the Editors. Foreword; *J. Sekolec*. General Introduction; *F. Berlingieri*. 1. General Provisions; *H. Honka*. 2. Scope of Application; *M.F. Sturley*. 3. Electronic Transport Records; *J.A. Estrella Faria*. 4. Obligations of the Carrier; *P. Delebecque*. 5. Liability of the Carrier for Loss, Damage or Delay; *A. von Ziegler*. 6. Additional Provisions Relating to Particular Stages of Carriage; *U. Lind Rasmussen*. 7. Obligations of the Shipper to the Carrier; *J. Schelin*. 8. Transport Documents and Electronic Transport Records; *T. Fujita*. 9. Delivery of the Goods; *G. van der Ziel*. 10. Rights of the Controlling Party; *S. Zunarelli, C. Alvisi*. 11. Transfer of Rights; *S. Zunarelli*. 12. Limits of Liability; *S. Yuzhuo, P. Guo*. 13. Time for Suit; *In Hyeon Kim*. 14. Jurisdiction; *M. Alba Fernández*. 15. Arbitration; *C.D. Hooper*. 16. Validity of Contractual Terms; *H. Honka*. 17. Matters Not Governed by this Convention; *H. Honka*. 18. Final Clauses; *K. Lannan*. Conclusion; *R. Illescas Ortiz*. Text of the Convention.

June 2010, 430 pp., hardback

ISBN: 9789041131485

Price: EUR 150.00 / USD 198.00 / GBP 120.00

ISBN	Title	Latest suppl.	EUR	USD	GBP
9781853338267	Comparative Law of Monopolies	2010-1	265	358	212
9781853338328	Corporate Acquisitions and Mergers	2010-2	267	360	214
9781853338229	Encyclopaedia of Commercial Litigation	2010-1	243	328	194
9789065448903	Enforcement of Foreign Judgments	20	153	207	122
9789065449283	European Air Law	65	199	269	159
9789041126603	European Cartel Digest	4	216	292	173
9781859660508	European Environmental Law	83	194	262	155
9789041124609	Global Patent Litigation	9	195	263	156
9789041122421	Handbook EU VAT Legislation	11	216	292	173
9789065449818	International Business Transactions	49	337	455	270
9789041109439	International Encyclopaedia of Agency and Distribution Agreements	19	244	329	195
9789065449368	International Encyclopaedia of Laws: Civil Procedure	55	235	317	188
9789065449443	International Encyclopaedia of Laws: Constitutional Law	84	235	317	188
9789065449412	International Encyclopaedia of Laws: Contracts	61	235	317	188
9789065449375	International Encyclopaedia of Laws: Criminal Law	37	235	317	188
9789041121882	International Encyclopaedia of Laws: Cyber Law	25	235	317	188
9789041114051	International Encyclopaedia of Laws: Energy Law	23	235	317	188
9789065448880	International Encyclopaedia of Laws: Family and Succession Law	48	235	317	188
9789065449405	International Encyclopaedia of Laws: Insurance Law	34	235	317	188
9789065448873	International Encyclopaedia of Laws: Intellectual Property Law	59	235	317	188



ISBN	Title	Latest suppl.	EUR	USD	GBP
9789041107756	International Encyclopaedia of Laws: Intergovernmental Organizations	38	235	317	188
9789065449054	International Encyclopaedia of Laws: Labour Law and Industrial Relations	364	255	344	204
9789065449436	International Encyclopaedia of Laws: Medical Law	62	235	317	188
9789041115553	International Encyclopaedia of Laws: Private International Law	25	235	317	188
9789041107596	International Encyclopaedia of Laws: Property and Trust	11	235	317	188
9789065449399	International Encyclopaedia of Laws: Social Security Law	72	235	317	188
9789041115737	International Encyclopaedia of Laws: Tort Law	20	235	317	188
9789041107572	International Environmental Law	80	221	298	177
9789065449672	International Handbook on Commercial Arbitration	59	195	263	156
9789041125422	International Outsourcing Law and Practice	2	143	193	114
9789041198303	International Trust Law and Analysis	2010-2	266	359	213
9789071888014	Manual for the Handling of Applications for Patents, Designs and Trademarks Throughout the World	130	226	305	181
9789065443328	Maritime Law Handbook	37	195	263	156



Kluwer Law International is now part of
Wolters Kluwer Law & Business.
We continue to provide the global legal community with reliable
international law information in English.