

# Rijeka Doctoral Conference 2020

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4 DECEMBER

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University of Rijeka  
Faculty of Law



Sveučilište u Rijeci  
University of Rijeka

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## Session 1A – Private International Law

9:00 – 11:15

**Professor Fabienne Jault-Seseke** (University of Versailles Saint-Quentin), **Professor Tuulikki Mikkolla** (University of Turku) & **Senior Lecturer Katarina Trimmings** (University of Aberdeen)

**Leontine Bruijnen** (University of Antwerp) *The Recognition of Kafala in Belgian Case Law: Alignment between Private International Law and Migration Law?*

**Martina Drventić** (J. J. Strossmayer University of Osijek) *Cross-Border Parental Child Abduction before Croatian courts*

**Tine Van Hof** (University of Antwerp) *The Interaction between Children’s Right Law and International Family Law: Belgian and Swiss Case Law on International Child Abduction*

**Amel Ketani** (University of Surrey) *Innovation in the Way Mediators and in Particular Family Mediators are Trained in England and Wales*

**Katerina Kasalova & Silvie Koldasova** (Masaryk University in Brno) *Commitments with an International Element During the COVID-19 Pandemic*

**Alberto Mattia Serafin** (University of Cassino and Southern Lazio) *Comparative Aspects of Testamentary Formalism*

## Session 1B – Commercial and Company Law

9:00 – 11:15

**Professor Csongor István Nagy** (University of Szeged), **Associate Professor Francesco Paolo Patti** (Bocconi University) & **Assistant Professor Mihaela Braut Filipović** (University of Rijeka)

**Bálint Kovács** (Debrecen University Géza Marton) *Enhancing SME Access to Investment Arbitration Through Third-Party Funding*

**Lavinia Palombo** (University of Turin) *The Shareholder Rights Directive II: Corporate Governance in the Context of Sustainability and Long-Term Orientation*

**Sara Madžarov Matijević** (University of Rijeka) *Shareholders’ Right to Information*

**Abigail Owusu** (University of Verona) *The Purpose of the So-Called “Patto Marciano Bancario”: Security Interest, Fulfilment, or Self-Help Remedy?*

**Nevena Jevremović** (University of Zenica) *Proactive Law Theory: A Path towards CISG in the 21st Century*

**Karla Kotulovski** (University of Rijeka) *Non-Standard Forms of Employment and Precariousness*

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## Session 2A – Digital Law

11:30 – 13:30

**Professor Tatsuhiro Ueno** (Waseda University), **Assistant Professor Tihomir Katulić** (University of Zagreb) & **Research Fellow Tobias Lutzi** (University of Cologne)

**Miguel Ortego Ruiz** (Complutense University of Madrid) *Smart Robots and 5G: Global Connected Authors?*

**Ettore William Di Mauro** (University of Rome "Sapienza") *Smart Contract: Discipline, Critical Issues and Practical Implications*

**Josip Dešić** (University of Zagreb) *Civil Liability for Artificial Intelligence*

**Erik Kamenjašević** (KU Leuven) *A Path Towards an Overarching Legal Framework for Human Enhancement Technology*

**Zorana Rosić** (University of Namur) *Artificial Intelligence in Civil Proceeding – A New Challenge for the Right to a Fair Trial?*

**Sajedeh Salehi** (Vrije University in Brussels) *Online Dispute Resolution Supported by Artificial Intelligence: Efficient Access to Justice in Low-Value C2B e-Disputes in the EU*

## Session 2B – Public International Law

11:30 – 13:15

**Professor Vesna Crnić-Grotić** (University of Rijeka), **Professor Giuseppe Nesi** (University of Trento) & **Professor Mehdi Zakerian** (Islamic Azad University)

**Ognyan Savov** (Maastricht University) *Duty of the Arctic States to Prevent Transboundary Environmental Harm in Arctic Continental Shelf Oil Production: Adequacy of Existing International Legal Frameworks*

**Felix Fouchard** (University of Münster) *An Example for Judicial Self-Assertion: The International Court of Justice and Non-Reviewability Claims*

**Alexander Kostin** (National Research University Moscow) *The Principle of Sovereignty and its Role in International Civil Procedure*

**Henrique Marcos** (Maastricht University & University of São Paulo) *Coherence in International Law*

**Armando Demark** (University of Rijeka) *State Liability for Damage Caused by Courts*

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## Keynote Panel Lecture

13:45 – 14:45

**Professor Carlo Rimini** (University of Milano & University of Pavia)

*Carlo Rimini was born in 1966. He is Full Professor of Private Law at the University of Milan, Department of International, Legal, Historical and Political Studies, and Professor of Family Law at the University of Pavia. He is also Professor of Family Law at the Law School jointly managed by the University of Pavia and the Bocconi University of Milan. He authored more than eighty papers and other publications including three monographs published by prominent Italian publishers. He is a member of the International Academy of Family Lawyers (IAML). He also practices law as a member of the Milan Bar Association.*

***A Method Issue: From “Definitions” to “Rules”. An Application for Answering a Family Law Question: Are Prenuptial Agreement Effective or Void in Your Jurisdiction?***

Modern society is so complex that the work of the jurists nearly equals the attempt to govern the chaos. Various methods are employed in the process of identifying the rules and interpreting them. Since the 19<sup>th</sup> century – when the German school built up the modern juristic methodology looking back on the model of *Corups Iuris Civilis* by Justinian (Pandectism) – a number of new techniques have developed. Nevertheless, the German Pandectist method is still the common core of European legal experience: the starting point is a definition as the list of facts while the next step consists in application of the rule to the definition. This method is used to answer a very modern and both theoretically and practically relevant question: Are prenuptial agreements effective or void in a particular jurisdiction? The answer may differ from one European country to another depending on the definition of prenuptial agreement, a case in point being the Italian approach to this issue which will be discussed in more details.

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## Session 3A – Public Law

15:00 – 17:00

**Associate Professor Maciej Serowaniec** (Nicolaus Copernicus University in Toruń), **Associate Professor Aristotelis Constantinides** (University of Cyprus) & **Researcher Esperanza Buitrago Diaz** (Maastricht University)

**Lidia Bonifati** (University of Bologna & University of Antwerp) *Asymmetric Federalism and Divided Societies: A Synthesis between Accommodation and Integration?*

**Aurora Marcelli** (Marche Polytechnic University) *Gender Inequality in the Italian Cultural Fabric and the Judgment in Talpis*

**Fabiana Félix Ferreira** (University of Perugia) *Principle of Non-Discrimination in the EU on Grounds of Nationality and Tax Implications*

**Augusto Hernández Vidal** (University Externado of Colombia) *Conflict and Democracy in Interadministrative Relations Among Levels of Government*

**Martyna Wilmanowicz-Słupczewska** (Nicolaus Copernicus University in Toruń) *Shared Services Centres in Local Government: The Examples of United Kingdom and Poland*

**Nikolaos Papadopoulos** (Maastricht University) *The European Social Charter's Dynamics for the Protection of Economic and Social Rights in Europe*

## Session 3B – Intellectual Property, Personality, Data and Competition Law

15:00 – 17:00

**Professor Marketa Trimble** (University of Nevada, Las Vegas), **Professor Ivana Kunda** (University of Rijeka) & **Associate Professor Klemen Podobnik** (University of Ljubljana)

**Zuzana Vlachová** (Masaryk University in Brno) *Initial Ownership of Copyright and Limitations of Lex Loci Protectionis*

**Helena Pullmannová** (Masaryk University in Brno) *International Jurisdiction in Trade Name Right Infringement Disputes*

**Maja Nišević** (University of Verona) *A Study on Personal Data Processing and the Unfair Commercial Practices Directive: Italy, Germany, and the UK*

**Arletta Gorecka** (University of Strathclyde) *Objectives of Competition Law within Privacy Concern Inquiries: Should We Seek Instrumentalisation of Competition Law?*

**Jun Chong** (University of Turin) *Improving Chinese Sustainable Public Procurement (SPP): Principles, Regulation and Rewards*

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## Programme Committee

**Professor Dario Đerđa** (University of Rijeka), **Professor Ivana Kunda** (University of Rijeka) – president, **Professor Csongor István Nagy** (University of Szeged), **Associate Professor Agustín Parise** (University of Maastricht), **Professor Marta Pertegás Sender** (University of Antwerp), **Professor Tatsuhiro Ueno** (Waseda University), **Professor Zbigniew Witkowski** (Nicolaus Copernicus University in Toruń), **Professor Mehdi Zakerian** (Islamic Azad University).

## Organisation Committee

**Professor Ivana Kunda** (University of Rijeka) – president, **Assistant Professor Sandra Winkler** (University of Rijeka), **Assistant Professor Danijela Vrbljanac** (University of Rijeka).

## About RIDOC

**Rijeka Doctoral Conference** is a biannual international conference intended for doctoral candidates who wish to present and test their preliminary research findings before academics and practicing lawyers, as well as to discuss these findings with their peers. Speakers have to be enrolled in a doctorate study or a doctoral school, while the topics of their doctoral dissertation should be within the field of law or other field closely related to law.

Following the Conference, the RIDOC Books of Abstracts is published collecting summaries of the presented. While there are no conference proceedings, participants are encouraged to offer their papers for publication in the double-blind peer-review journal published by the Faculty of Law in Rijeka – [Collected Papers](#), which is indexed in HeinOnline, ECSCO, DOAJ, WoSS-ESCI etc. In addition to papers in Croatian, the journal accepts papers in English, German and Italian.

## YUFE Alliance

RIDOC 2020 is special in that it is the first such conference organised with the support of the YUFE partner universities. This is evident in the participation of doctoral students, as well as academic staff in the programme committee and panels. **Young Universities for the Future of Europe** (YUFE) is made of ten dynamic, young, student-centred research-based universities and four non-academic partners from the non-governmental and private sector joined to establish a true and impactful European University.

