

A conference presented by the IBA Litigation Committee



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4th IBA Litigation Committee Conference on Private International Law

14–15 September 2023
Palazzo Turati, Milan, Italy

Topics include:

- Private international law in a time of war
- *Delicta imperii* and state immunity
- Litigating in the EU and the UK after Brexit - back to old times or a new dawn?



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4 AUGUST TO RECEIVE
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DISCOUNTS

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Programme

Conference Co-Chairs

Angelo Anglani *ADVANT - Nctm, Rome; Member, IBA Litigation Committee Advisory Board*

Chris Helmer *Miller Nash, Portland; Co-Chair, IBA Litigation Committee*

Carlo Portatadino *TFP & Associati, Milan; Senior Vice Chair, IBA Litigation Committee*

Thursday 14 September

1400 – 1600 **Young Litigators Forum Seminar** **Advocacy – do's and don'ts in International commercial disputes**

Via Agnello, 12, Milan, 20121, Italy

This event is open to young lawyers under the age of 35.
Please click here to register: www.ibanet.org/conference-details/CONF2441

1930 – 2230 **Welcome standing dinner** Fondazione Luigi Rovati, Corso Venezia 52, 20121 Milan

Start the conference with a standing dinner prepared by the renowned Milan Chef Andrea Aprea's Garden and Cafe at the recently opened Fondazione Luigi Rovati Art Museum. You will have the opportunity to look around the exhibits from 1800 to 2000, or simply join from 1930 for an enjoyable evening meal.

The event is open to all delegates.

Conference Reception and Dinner Sponsor



Conference Luncheon Sponsor



0830 – 1600 **Registration**

0830 – 0900 **Welcome coffee/tea**

0900 – 0920 **Welcome address**

Chris Helmer *Miller Nash, Portland; Co-Chair, IBA Litigation Committee*

Professor Ilaria Viarengo *Università degli Studi di Milano, Milan*
Francesca Zanasi *Chair, CRINT Commissione Rapporti Internazionale (Foreign Affairs Committee), Consiglio dell'Ordine degli Avvocati di Milano, Milan*

0920 – 1100 SESSION ONE

Private international law in a time of war

This session explores the significance and development of private international law principles in the civil and commercial sphere, in times of crisis and conflict. Our panel of experts will take an in depth look at how legal obligations between private individuals and businesses may be (and are being) affected, including considering questions of governing law and jurisdiction, the recognition and enforcement of judgments and contractual relationships.

Session Chair

Sara Chisholm-Batten *Michelmores, London; Diversity and Inclusion Officer, IBA Litigation Committee*

Speakers

Dmytro Marchukov *Integrites, Kyiv*

Marina Nitrola *Milan Chamber of Arbitration, Milan*

Falk Tischendorf *ADVANT Beiten, Moscow*

Professor Marco Torsello *Università degli Studi di Verona, Verona*

1100 – 1130 **Coffee/tea break**

1130 – 1300 SESSION TWO

Delicta imperii and state immunity

This session will delve into state immunity in the context of *delicta imperii*, exploring the delicate balance between protecting sovereign interests and ensuring accountability of states for crimes under international law that are considered outside the scope of sovereign authority, such as crimes against humanity or the crime of aggression. After an introduction to the governing general principles, the panel will discuss the long-lasting dispute between Germany and Italy regarding compensation for victims of crimes committed by the Nazi forces in the Second World War and will explore potential paths for enforcement of claims against states in light of more recent armed conflicts.

Session Chair

Urs Hoffmann-Nowotny *Schellenberg Wittmer, Zurich; Regional Representative Middle East, IBA Litigation Committee*

Speakers

Professor Gilles Cuniberti *Université de Luxembourg, Luxembourg*

Professor Fausto Pocar *Università degli Studi di Milano, Milan*
Marina Skarbek-Kozietulska *Rö Radwan-Röhrenschef Petruczenko, Warsaw*

1300 – 1415 **Lunch**

1415 – 1545 SESSION THREE

Litigating in the EU and the UK after Brexit – back to old times or a new dawn?

It has now been three years since the UK withdrew from the EU's jurisdiction and enforcement regime, hence it is a timely moment to take stock of how this has affected litigating around the EU. Is the jurisdiction and enforcement landscape more complicated? What about obtaining interim relief and seeking to enforce that around Europe? Are the old difficulties of parallel proceedings back on the agenda? Are there other consequences arising from Brexit? This panel will review matters from the perspectives of the UK, the EU27 and from a 'third party' standpoint.

Session Chair

Tom Price *Gowling WLG, Birmingham; Member, IBA Litigation Committee Advisory Board*

Speakers

Hakim Boularbah *Loyens & Loeff, Brussels; Membership Officer, IBA Class Actions Committee*

Professor Jonathan Harris KC *King's College, London*

Professor Chiara Tuo *Università degli Studi di Genova, Genoa*

1545 – 1600 **Closing remarks**

Angelo Anglani *ADVANT, Rome; Member, IBA Litigation Committee Advisory Board*

Kindly supported by

Information

Date

14–15 September 2023

Venue

Palazzo Turati

Via Meravigli 9 Milan 20123

Tel: +39 02 85155873

Language

All working sessions and Conference materials will be in English.

How to register

Register online by **Thursday 7 September 2023** at www.ibanet.org/conference-details/CONF2349 and make payment by credit card to avail of the ten per cent online registration discount or complete the attached registration form and return it to the Conference Department at the IBA together with your proof of bank transfer payment. You should receive an email confirmation of your registration within five days; if you do not, please contact confs@int-bar.org.

All conference delegates must provide full and accurate information regarding their identity and contact information. Failure to do so will result in their conference registration being cancelled.

By registering for the conference you agree to the following, the delegate code of conduct and all venue precaution notifications:

- You will not attend the conference if you are displaying any Covid symptoms
 - Should you develop any Covid symptoms during your attendance at the conference you inform a member of IBA staff by email (confs@int-bar.org) and you agree not to attend any further conference sessions or related events
- comply with all local and national restrictions
- You travel at your own risk and you agree that the IBA cannot be held responsible if you contract Covid during the conference or after returning from the conference
- You agree to the extent permitted by law that you shall not hold IBA responsible for: any travel costs incurred for travelling to and from the conference; any travel costs that may be irrecoverable due to the cancellation or postponement of the conference; any losses or liabilities associated with contracting Covid whether on the way to, during or after the conference.
- You agree that, if asked by the relevant local or national authorities, the IBA has permission to pass on your personal information and contact details to those authorities should contact tracing be required.

Fees

Online registrations received:

	on or before 4 August	until 7 September
IBA member / Members of the Milan Bar*	€640	€745
Non-member	€795	€900
Young lawyers (under 30 years)	€480	€900
Academics/judges (full-time)	€480	€900
Public lawyers	€480	€900
Corporate counsel	€575	€900

After **Thursday 7 September 2023** registrations must be received in hard copy at the IBA office.

* To avail of this rate members of the Milan Bar must register by completing and returning the hard copy registration form to the IBA

Hard copy registration forms and fees received:

	on or before 4 August	after 4 August
IBA member / Members of the Milan Bar*	€710	€825
Non-member *	€885	€1000
Young lawyers (under 30 years)	€535	€1000
Academics/judges (full-time)	€535	€1000
Public Lawyers	€535	€1000
Corporate counsel **	€640	€1000

* By paying the non-member fee, we welcome you as a delegate member of the IBA for the year in which this Conference is held, which entitles you to the following benefits:

- Password access to certain parts of the IBA website.
- Receipt of IBA E-news and access to online versions of *IBA Global Insight*.
- Pay the member rate for any subsequent Conference registrations for this calendar year.

** A reduced rate is offered to IBA Corporate Group Members. Please register online to obtain a 25 per cent discount on the IBA Member fee.

If you would like to become a full or general member of the IBA, which includes membership of one committee or more – and inclusion in and access to our membership directory – we encourage you to do so now in order to register for this Conference at the member rate. You can find full details of how to join at www.ibanet.org.

A reduced rate is offered to lawyers who are over the age of 65, have been an IBA member for more than 20 years and are no longer practising law.

Full payment must be received in order to obtain your Conference documentation.

Fees include:

- Attendance at all working sessions
- Access to the Conference materials from the IBA website (www.ibanet.org), including any available speakers' papers submitted to the IBA before 7 September.
- Access to live delegate search
- Lunch on Friday
- Tea and coffee during breaks
- Invitation to Welcome standing dinner on Thursday 14 September
- Italian VAT currently at 22 and 10%

Please note that registrations are not transferable.

List of participants

In order for your name to appear in the list of participants, your registration form must be received by **7 September 2023** at the latest.

Live delegate search

Delegates are able to use the live delegate search via the IBA website, in order to use this function delegates will need to be logged into their MyIBA. This will allow search access to up-to-date attendance lists.

Registration confirmation

Upon receipt of your payment for the Conference a confirmation email will be sent to you which contains information regarding your attendance at the Conference. You will also be able to view and download your payment information and manage your registration via your My IBA profile on the IBA website.

Book with confidence

- If the IBA needs to reschedule the event, your registration will be automatically transferred to the new date and no additional fees will be charged. If this date is not convenient for a delegate, a refund of the cost of the conference place will be available on request to the IBA.
- If the IBA is unable to reschedule the conference within 12 months of the original scheduled date, a full refund of the cost of the conference place will automatically be made to all delegates.
- Please note that the IBA will not provide refunds for any other costs incurred including any travel costs.

Payment of registration fees by bank transfer or BACS payment Registration forms received without proof of payment will NOT be processed until proof of payment has been received.

Euro: by bank transfer to the IBA account at the National Westminster Bank, St James's & Piccadilly Branch, 208 Piccadilly, London W1A 2DG, United Kingdom.

SWIFT address NWBKGB2L, IBAN GB58NWBK60721106570631

Please ensure that a copy of the bank transfer details is attached to your registration form.

Online credit card payments: by Visa, MasterCard or American Express. No other cards are accepted.

PLEASE ENSURE THAT YOUR NAME AND 'CONF2349' APPEAR ON ANY TRANSFER OR DRAFT.

No deductions or withholdings

Conference sell-outs

The IBA places its conferences in venues of a suitable size for each event; however, there are times when our conferences may sell out. Should this happen, prospective delegates will be informed and a waiting list will operate. The waiting list will function on a 'first come, first served' basis, subject to receiving registered delegate cancellations. The waiting list for a conference will close once it has reached ten per cent of the conference venue capacity, as it is very unlikely a place will become available. The IBA will not be liable for any travel or accommodation expenses incurred by an individual who travels to a conference without a confirmed place at the event.

Cancellation of registration or social functions

If cancellation is received in writing at the IBA office by **Friday**

1 September 2023, fees will be refunded less a 25 per cent administration charge. Refunds will be made minus any monies owed to the IBA. We regret that no refunds can be made after this date. Registrations or social function bookings received after **Friday 1 September 2023** will not be eligible for any refund of fees.

Should you have difficulties in obtaining your visa and are not able to attend the Conference this cancellation policy will still apply.

Upon submission of your completed Conference registration form to the IBA you are considered 'registered' pending payment. Please note that the cancellation terms and conditions as indicated will apply as soon as your registration is received.

Photography and filming

Certain sessions and/or social functions may be photographed and/or filmed and some of this content may be used for future IBA marketing materials, member communications, products or services. Should you have any concerns with regard to this, or do not wish to be featured in any of these materials please contact the IBA Marketing Department at **ibamarketing@int-bar.org**.

Promotional literature

Please note that no individual or organisation may display or distribute publicity material or other printed matter during the Conference, unless by prior arrangement with the IBA. Organisations and companies wishing to discuss promotional opportunities should contact the IBA Sponsorship Department at **sponsorship@int-bar.org**.

All fees payable to us by you in accordance with the terms contained in this 'Information' section shall be paid free and clear of all deductions or withholdings whatsoever.

If any deductions or withholdings are required by law to be made from any fees payable to us by you under the terms contained in this 'Information' section you shall pay such sum as will, after the deduction or withholding has been made, leave us with the same amount as we would have been entitled to receive in the absence of any such requirement to make a deduction or withholding.

If we obtain the benefit of any tax credit or other relief by reference to any such deductions or withholdings, then we shall repay to you such amount as, after such repayment has been made, will leave us in no worse position than we would have been had no such deductions or withholdings been required.

Provided you have cancelled your registration to attend an IBA Conference in accordance with the terms of the 'cancellation of registration' clause included in the 'Information' section of the relevant Conference programme, you must then confirm to us in writing at the IBA office as soon as possible, but in no event later than one year (12 calendar months) from the date of any such Conference, all necessary details to enable any reimbursement owed to you to be paid. We regret that no refunds will be made after the date that is one year (12 calendar months) after the date of the relevant Conference.

Travel arrangements and visas

Participants are responsible for making their own travel arrangements. It is recommended that you check your visa requirements with your local embassy or consulate. **We are unable to dispatch visa invitation letters to support your visa application prior to receipt of your registration form and full payment of registration fees.**

Please apply for your visa in good time.

Hotel accommodation

The following hotels are within easy reach of Palazzo Turati. The IBA does not have any preferential rates at these hotels, please contact the hotel of your choice directly to make your reservation.

Clerici Boutique Hotel (4 star, 450 m)

Via Clerici 11

20121 Milan

Tel: +39 02 8725 3334

www.clericiboutiquehotel.it

Grand Hotel et de Milan (5 star, 600 m)

Via Alessandro Manzoni 29

20121 Milan

Tel: +39 02 723141

www.grandhoteletdemilan.it

Hotel Spadari Al Duomo (4 star, 450 m)

Via Spadari 11

20123 Milan

Tel: +39 02 7200 2371

www.spadarihotel.com

Park Hyatt Milano (5 star, 500 m)

Via Tommaso Grossi 1

Milan

Tel: +39 02 8821 1234

www.hyatt.com/en-US/hotel/italy/park-hyatt-milan

UNAHotel Cusani Milano (4 star, 450 m)

Via Cusani 13

20121 Milan

Tel: +39 02 85601

www.gruppouna.it/unahotels/unahotels-cusani-milano

Unauthorised accommodation agents

It has been brought to our attention that there are multiple companies contacting past attendees, claiming to represent the IBA, offering 'assistance' with registration and hotel bookings.

They are operating by cold-calling and spamming companies whose names have appeared on previous List of Participants, Programmes and Sponsorship recognition. The only Accommodation Agent the IBA works with is Judy Lane ICS. Judy Lane ICS do not contact delegates on behalf of the IBA without delegates making initial contact. Please ignore any communication that does not come directly from the IBA or Judy Lane ICS.

Disabled access

The Palazzo Turati is wheelchair accessible. Please notify us if you require special assistance.

The IBA, its officers and staff accept no responsibility for any views expressed, presentations or materials produced by delegates or speakers at the Conference.

The organisers may at any time, with or without giving notice, in their absolute discretion and without giving any reason, cancel or postpone the Conference, change its venue or any of the other published particulars, or withdraw any invitation to attend. In any case, neither the organisers nor any of their officers, employees, agents, members or representatives shall be liable for any loss, liability, damage or expense suffered or incurred by any person, nor will they return any money paid to them in connection with the Conference unless they are satisfied not only that the money in question remains under their control but also that the person who paid it has been unfairly prejudiced (as to which, decision shall be in their sole and unfettered discretion and, when announced, final and conclusive).

Continuing Professional Development/Continuing Legal Education

For Conference delegates from jurisdictions where CPD/CLE is mandatory, the IBA will provide a Certificate of Attendance for the Conference. Subject to CPD/CLE requirements, Conference delegates can use this to obtain the relevant number of hours' accreditation. The number of CPD/CLE hours available may vary depending on the rules applied by the members' bar association/law society on time recording criteria.

A Certificate of Attendance is available to Conference delegates on request. Please ask at the IBA Conference registration desk for information on how to obtain the certificate.

IBA Harassment Policy

IBA conferences provide unrivalled professional development and network-building opportunities for international legal practitioners and their professional associates. The IBA values the participation of every delegate and member of the IBA and wants all attendees to have an enjoyable and fulfilling experience. Accordingly, all Conference attendees are expected to show respect and courtesy to other attendees, IBA staff and those involved with hosting the events throughout the Conference and at all Conference events, receptions, and parties, whether officially organised by the IBA or others. All delegates, guests, attendees, speakers, exhibitors, staff and volunteers at any IBA event are required to conform to the IBA Harassment Policy.

See **www.ibanet.org/iba-harassment-policy**

Registration form

4th IBA Litigation Committee Conference on Private International Law

Palazzo Turati, Milan, Italy, 14 – 15 September 2023

Please read the 'Information' section before completing this form and return it together with your proof of bank transfer to the Conference Department at the address below.



REGISTER ONLINE AT WWW.IBANET.ORG/CONFERENCE-DETAILS/CONF2349 TO MAKE IMMEDIATE AND SECURE PAYMENT BY CREDIT CARD AND OBTAIN A TEN PER CENT DISCOUNT ON THE FEES BELOW

PERSONAL DETAILS *(Please attach your business card or write in block capitals)*

Title _____ Given name _____ Family name _____

Name and country to be shown on badge *(if different from above)* _____

IBA Membership number *(if applicable)* _____ Date of birth _____

Firm/company/organisation _____

Address _____

Country _____

Tel _____ Email _____

SPECIAL DIETARY REQUIREMENTS

If you have special dietary requirements, due to allergen intolerances, medical, religious reasons or a life choice, please specify the requirement below. The IBA is unable to cater for dietary requirements other than for the above reasons.

☐ Please tick box if you have allergen intolerances and specify _____

Please state all other dietary requirements clearly, i.e. I am a vegetarian.

Disclosure of dietary information denotes you have agreed to the IBA sharing this information with relevant third parties who are providing catering on our behalf.

TO OBTAIN A TEN PER CENT DISCOUNT ON THE FEES BELOW,
PLEASE REGISTER BY **7 AUGUST** ONLINE AT WWW.IBANET.ORG/CONFERENCE-DETAILS/CONF2349
IBA MEMBERS CAN REGISTER ONLINE BY **4 AUGUST** FOR **€640**. PLEASE SEE 'INFORMATION' FOR FURTHER
ONLINE REGISTRATION DETAILS.

HARD COPY REGISTRATION FORMS AND FEES RECEIVED:	on or before 4 August	after 4 August	amount payable
IBA member	€710	€825	€
Member of the Milan Bar	€710	€825	€
Non-member *	€885	€1000	€
Young lawyers (under 30 years)	€535	€1000	€
Academics/judges (full-time)	€535	€1000	€
Public Lawyers	€535	€1000	€
Corporate counsel **	€640	€1000	€
Social function			
Welcome Reception and dinner	<input type="checkbox"/> I will attend	Nil	Nil
TOTAL AMOUNT PAYABLE			€

*JOIN THE IBA TODAY AND REGISTER FOR THIS CONFERENCE AT THE IBA MEMBER RATE. PLEASE FIND THE MEMBERSHIP APPLICATION FORM AT **WWW.IBANET.ORG**.

** A REDUCED RATE IS OFFERED TO IBA CORPORATE GROUP MEMBERS. PLEASE REGISTER ONLINE TO OBTAIN A 25 PER CENT DISCOUNT ON THE IBA MEMBER FEE.

A REDUCED RATE IS OFFERED TO LAWYERS WHO ARE OVER THE AGE OF 65, HAVE BEEN AN IBA MEMBER FOR MORE THAN 20 YEARS AND ARE NO LONGER PRACTISING LAW. PLEASE CONTACT THE IBA OFFICE FOR FURTHER INFORMATION.

FULL PAYMENT MUST BE RECEIVED IN ORDER TO PROCESS YOUR REGISTRATION.

PLEASE NOTE THAT REGISTRATIONS ARE NOT TRANSFERABLE.

METHODS OF PAYMENT

By credit card

Register online at www.ibanet.org/conference-details/conf2349 and make immediate and secure payment by credit card

Note: please do not send your credit card details on the registration form or within an email or fax.

By bank transfer or BACs payment

Registration forms received without proof of payment will NOT be processed until proof of payment has been received.

Euro: by bank transfer to the IBA account at the National Westminster Bank, St James's & Piccadilly Branch, 208 Piccadilly, London W1A 2DG, United Kingdom.

SWIFT address NWBKGB2L, IBAN GB58NWBK60721106570631

Please ensure that a copy of the bank transfer details is attached to your registration form.

Use the exchange rate prevailing at the time of registration.

WHERE DID YOU FIRST HEAR ABOUT THIS CONFERENCE?

- | | | | | |
|---|---|---|-----------------------------------|--|
| <input type="checkbox"/> IBA CONFERENCE | <input type="checkbox"/> OTHER CONFERENCE | <input type="checkbox"/> DIRECT MAIL | <input type="checkbox"/> INTERNET | <input type="checkbox"/> ADVERTISEMENT |
| <input type="checkbox"/> EMAIL | <input type="checkbox"/> EDITORIAL | <input type="checkbox"/> RECOMMENDATION | <input type="checkbox"/> OTHER | |

Please provide further details, quoting code (if applicable)

The International Bar Association would like to keep in touch with you about relevant news, events, publications and membership. You can opt out of receiving information at any time by emailing member@int-bar.org or by logging into My IBA and updating your preferences. Your details will be included in the list of participants. If you do not want your details to be included in the list, please email confs@int-bar.org.

For further details on how your data is used and stored: www.ibanet.org/privacy-policy

PLEASE SEND THE COMPLETED FORM TO:

International Bar Association

Chancery House

53-64 Chancery Lane

London WC2A 1QS

United Kingdom

Tel: +44 (0)20 7842 0090

email: confs@int-bar.org

www.ibanet.org



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“

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THE LEGAL 500 - 2023

“

The practice group is excellent. Immediacy and flexibility are two appreciable qualities of the law firm. The team knows how to interpret the customer's needs and provide adequate solutions.

CHAMBERS EUROPE AND GLOBAL GUIDE 2023



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First law firm in Italy to obtain gender parity certification, we publish a "Law & Sustainability" guide plus a social report every year.

www.lcalex.it - info@lcalex.it



International Bar Association

the global voice of the legal profession

The International Bar Association (IBA), established in 1947, is the world's leading organisation of international legal practitioners, bar associations and law societies.

The IBA influences the development of international law reform and shapes the future of the legal profession throughout the world. It has a membership of more than 80,000 individual lawyers and more than 190 bar associations and law societies spanning over 170 countries.

Inspired by the vision of the United Nations, the IBA was founded in the same spirit, just before the Universal Declaration of Human Rights was proclaimed in 1948.

The IBA covers all practice areas and professional interests, providing members with access to leading experts and up-to-date information, enabling them to better represent their clients' interests.

Through its various committees, fora and task forces, the IBA facilitates the exchange of information and views among its members as to laws, practices and professional responsibilities relating to the practice of law around the globe.

IBA Litigation Committee overview

The Litigation Committee focuses on the legal, practical and procedural issues involved in conducting litigation. Differences and developments in individual jurisdictions are compared. The issues arising in international litigation receive particular attention, including issues such as jurisdiction, choice of law, and the role of international judicial assistance in dispute resolution. Practitioners involved in larger scale or international litigation can debate topical issues and share their experiences of handling and solving the problems arising from such disputes. In particular, the committee seeks to explore the differences of approach between the common law and civil law traditions, and to encourage a dialogue between practitioners from these two systems.

Contact information:

International Bar Association

Chancery House,

53-64 Chancery Lane

London WC2A 1QS

United Kingdom

Tel: +44 (0)20 7842 0090

Email: confs@int-bar.org

www.ibanet.org