

International Commercial Law

Presentation of the course

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Overview of the course

- International contracts often considered to live their own lives
- International contracts depend on national governing law
- "Transnational law" is useful but has its limitations
- How is the national governing law chosen?
- Does this all matter if disputes are submitted to international arbitration?

The Myth of a Transnational Contract Law

- Examples of standard wording of international contracts
- Analysis of the consequences of international contract style
- Examples of situations where the enforceability of the contract is affected by the governing law

Soft Law

- Analysis of an important source of transnational law
- Presentation of some of the most important sources
- Analysis of the scope of applicability
- Analysis of the relationship with the governing law

Choice of Governing Law

- Briefly on the main rules regarding the choice of the governing law
- Briefly on the main rules regarding the choice of forum

Mandatory Rules of National Law Overriding the Chosen Law

- Restrictions to the possibility to choose the governing law
- Restrictions to the Applicability of the Governing Law

Arbitration and Mandatory Rules

- Briefly on arbitration
- Does the governing law play the same role if the dispute is submitted to a national court of law or to an international arbitral tribunal?