



ALMA MATER STUDIORUM
UNIVERSITÀ DI BOLOGNA



FONDAZIONE FLAMINIA
PER L'UNIVERSITÀ
IN ROMAGNA

Ravenna Program on Cross-Border Disputes

University of Bologna, Department of Juridical Sciences
Ravenna Campus

Summer School

“Transnational litigation: between substance and procedure”

18-23 July 2022

Palazzo Verdi, via G. Pasolini 23, Ravenna, Italy
(in presence and also online)

Introducing the Summer School

The Ravenna Campus of the Department of Juridical Sciences of the University of Bologna (Italy) has been very active, in the past years, in the organisation of Summer Schools dedicated to issues of International, European and Comparative law.

In this context, since 2019, prof. Michele Angelo Lupoi has started a Program on Cross-Border Disputes, dedicated to the organization of Summer Schools, Conferences, Webinars on issues of Transnational Civil Litigation.

As a matter of fact, the relevance of cross-border civil litigation is growing. The diffusion of worldwide online activities and the globalisation of economic and financial activities lead to the spreading of transnational disputes, which involve issues of jurisdiction, private international law, available remedies, harmonisation of procedural rules. It is therefore fundamental, for both law students and law practitioners, to become accustomed with this dimension.

In particular, the following Summer Schools have so far been organized in Ravenna:

- July 2019: “Transnational tort litigation: jurisdiction and remedies”
- July 2021: “Transnational jurisdiction: current issues in civil and commercial matters”
- September 2021: “Cross-border insolvency”.

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In 2022, between 18-23 July, the Summer School on “Transnational litigation: between substance and procedure” will take place in Ravenna (and online).

This year’s program looks at cross-border litigation from a wider perspective, embracing not only civil and commercial matters but also matter as diverse as family law, succession law, climate change litigation.

While at the core of the program still lie the European space of justice, with its private and procedural international law regulations, the comparative and international perspectives are strengthened, with several lecturers from Third States.

As usual, the approach is both theoretical and practical: as a matter of fact, the whole Saturday 23 July session is dedicated to workshops which will involve the participants in the solution of cases and problems.

The Faculty of the Summer School is composed of experts from different jurisdictions with very diverse professional backgrounds.

The Director of the School is Prof. Michele Angelo Lupoi, who teaches Civil Procedural Law and European Judicial Cooperation at the University of Bologna. The Vice-Director of the School is Marco Farina, Adjunct Professor of Civil Procedural Law at LUISS University of Rome.

The Summer School is aimed at law students as well as law graduates and law practitioners who want to obtain a specialised knowledge in this complex and fascinating area of international civil procedure.

The lectures will be held in a blended way, both in presence and online.

The pre-registration form and the program of the Summer School may be downloaded from this link: <https://site.unibo.it/transnational-tort-litigation/en>

It is possible to register until **2 July 2022**. The registration fee is **200,00 €**.

Info: micheleangelo.lupoi@unibo.it

An application will be made to the Bar Association of Ravenna to grant **formative credits** to Italian lawyers who participate in the Summer School.

The Summer School Program

Apostolos Anthimos

Service Regulation Recast; Analysis in comparison with EU Regulation 1393/2007

Service Regulation Recast: case studies

Evidence Regulation Recast: analysis & case studies

Caterina Benini

The law applicable to jurisdiction and arbitration agreements (workshop)

Giovanni Chiapponi

Unpacking CJEU case law: what are the time limits to proceed to the enforcement of a foreign judgment?

Michael S. Coffee

Recognition and enforcement of foreign judgments in the United States

Treaty implementation in the United States

Elena D'Alessandro

Shall a social media user be classified as a "consumer" under Article 18 of the Brussels I Regulation (Recast)?

David Estrin

Climate Change Litigation: the critical role of citizen suits and domestic courts - a transnational perspective

Key Strategic Issues and Strategies for Successful Prosecution and Defence of Domestic Climate Litigation

Marco Farina

Recognition and enforcement of conflicting judgments in civil and commercial matters

Francesca Ferrari

The Unitary Patent and the Unified Patent Court

Pietro Franzina

The law applicable to commercial contracts

Albert Henke

Collective redress in a cross-border dimension: issues and challenges

Priyanka Jain

The new directive on protection of collective interests of consumers and its interplay with the GDPR

Melissa Kucinski

Using Arbitration to Resolve Family Disputes in the U.S.

The U.S. Approach in international parental child abduction cases

U.S. recognition of foreign alimony/spousal maintenance awards

U.S. recognition of foreign parental responsibility orders

Claudio Pezzi

What we should know about Copyright of digital images in the European Union. The evolution of copyright protection in European directives and Court of Justice decisions

Emma Roberts

Law applicable in cross-border non-contractual obligations: general rule

Law applicable in cross-border non-contractual obligations: exception

Law applicable in cross-border non-contractual obligations: a comparative outlook

Anna Wysocka-Bar

EU Succession Regulation in the jurisprudence of the CJEU

EU Succession Regulation and succession cases linked with Third States

International Family and Succession Law (workshop)

The Director



Michele Angelo Lupoi is associate professor of the Department of legal studies of the University of Bologna. He teaches Civil procedural law (Ravenna Campus) and European judicial cooperation and Civil commercial litigation (Bologna Campus). He is a lawyer of the Bologna Bar Association. He has written extensively in matters of transnational litigation, cross-border jurisdiction, procedural family law, and other areas of civil procedure. He is an editor of the International journal of civil procedure and of the *Rivista trimestrale di diritto e procedura civile* and is a member of the *Associazione italiana tra gli studiosi del processo civile*, the International association of procedural law, and the European association of private international law.

The Faculty (in alphabetical order)



Apostolos Anthimos is attorney at law, Thessaloniki Bar, Greece; Ph.D. in International Civil Litigation (2002); he has two masters of Laws from the University of Hanover, Germany (1994) and Thessaloniki (1997). He has published four monographs on Civil procedure and conflict of laws and various publications on topics related to European and international private international law, arbitration and dispute resolution, EU law and civil procedure. National correspondent, European Judicial Network in civil matters; European Judicial Training Network and Hellenic School of Magistrates Instructor; Trainer of Judges, lawyers, and MoJ staff in East & Southeastern Europe, Africa, Middle East, Central & Southeastern Asia. Panelist at the Czech Arbitration Court [eu ADR]. Editor for PIL, European & International Civil Procedure in the following law reviews: European Legal Forum; Thessaloniki Bar Review “Armenopoulos”; Civil Procedure Law Review (GR); Commercial Law Survey (GR). Editor in chief in: Lex & Forum – a law review on conflict of laws (GR). Co-editor, www.conflictflaws.net / www.eapil.org/blog; founding, Board and Steering Committee Member of the European Association of Private International Law. Member of EU expert groups (DG JUSTICE AND CONSUMERS) on: Modernization of Judicial Cooperation in Civil and Commercial Matters (2018); Expert Group against SLAPP [Strategic Lawsuits Against Public Participation] (2021). Council of

Europe expert: Legal aid and legal representation (2020-2021). Contact details: T: + 30 2310 541508; A: Essopoustr. 9, 54627 Thessaloniki, Greece; e-mail: apostolos.anthimos@gmail.com.



Caterina Benini is a PhD candidate at the Catholic University of Milan. Her dissertation, due to be discussed in the course of 2022, is about the law applicable to choice of court agreements under the Brussels I *bis* Regulation. She worked in a law firm in Milan, specialized in international and investment arbitration and in cross-border litigation. Since 2018, she has been coaching the students of the Catholic University of Milan involved in the Willem C. Vis Moot and, later, in the Pax Moot. She has served as arbitrator in the same Vis Moot competition. She is a member of the European Association of Private International Law (EAPIL) and of the EAPIL Young Research Network.
E-mail: caterina.benini@unicatt.it.



Giovanni Chiapponi is a research fellow at the Max Planck Institute Luxembourg for Procedural Law in the Department of European and comparative procedural law. He is currently attending a PhD at the University of Luxembourg under the supervision of Prof. Burkhard Hess. His research topic deals with time limits in

European civil procedural law. He is carrying out a comparative research of time limits in civil proceedings which may obstacle judicial cooperation in civil matters.



Michael S. Coffee is a Professorial Lecturer in Law at the George Washington University Law School in Washington, D.C. He has spent much of his career as an attorney for the United States Government, serving as a trial attorney in the Office of Foreign Litigation at the U.S. Department of Justice, an attorney-adviser in the Office of the Legal Adviser at the U.S. Department of State (in the Offices of the Assistant Legal Advisers for Treaty Affairs, Private International Law, Political-Military Affairs, and Arms Control and Verification), and as an attorney-adviser in the Office of the General Counsel of the U.S. Arms Control and Disarmament Agency. In nearly a decade in the Office of Private International Law, Professor Coffee was responsible for the development and implementation of international rules in areas that included international family law, judicial assistance and cooperation, and electronic commerce. Professor Coffee has written, and is writing, on various private international law matters, including international family law and the recognition and enforcement of foreign judgments.



Elena D'Alessandro is professor of Civil Procedure at the University of Turin, Italy. Before joining the University of Turin, she received a Humboldt Fellowship for conducting academic research in Germany. In fall semester 2019, she was co- director of the Center for Transnational Legal Studies in London. Professor D'Alessandro's scholarship mainly focuses on European civil procedure.



David Estrin is recognized as Canada’s senior environmental law specialist as well as for his international climate change justice and human rights endeavours. His five-decade environmental law career has combined research, writing, and teaching on these issues in law and environmental studies faculties; and being an expert witness in international environmental arbitration and climate change related human rights tribunal proceedings. He is the founding editor of the *Canadian Environmental Law Reports* and also founded, and for many years headed, the Environment Law Group at one of Canada’s largest law firms. He has appeared as counsel at all levels of court in two Canadian provinces as well as at the federal level.

He is a past chair of the International Bar Association Environment Committee, and co-chairs the IBA President’s Task Force on Climate Change Justice and Human Rights that produced the ground-breaking 2014 book *Achieving Justice and Human Rights in an Era of Climate Disruption*. His 2016 paper, *Limiting Dangerous Climate Change: The Critical Role of Citizen Suits and Domestic Courts – Despite the Paris Agreement*, predicted the now rapidly expanding global phenomenon of citizen climate litigation aimed at ensuring nations meet their 2015 *Paris Agreement* commitments. He is also a co-author as well as co-editor of the 2020 IBA *Model Statute for Proceedings Challenging Government Failure to Act on Climate Change*. Its analysis and recommended procedural reforms are an international resource providing the rationale and precedents for lowering or removing procedural barriers to citizen climate suits, and also providing clear examples of how domestic judges can more comfortably exercise their authority in preventing climate chaos and providing climate justice.



Marco Farina holds a PhD degree in Civil Procedure from the Sapienza University of Rome (2007). He is Adjunct Professor (*Professore a contratto*) of Civil procedure at the Law faculty of LUISS University of Rome.

He regularly lectures and speaks at academic and professional conferences. He is author of one book and around 50 papers covering different areas of civil procedure (both domestic and transnational) and insolvency law. He is a practicing lawyer since 2003 and has been entitled to practice before the Supreme Court (*Corte di Cassazione*) since 2016. He is a member of the European Association of Private International Law (EAPIL) and of the Associazione Italiana fra gli Studiosi del Processo Civile (AISPC). He is the Vice-Director of the Summer School.

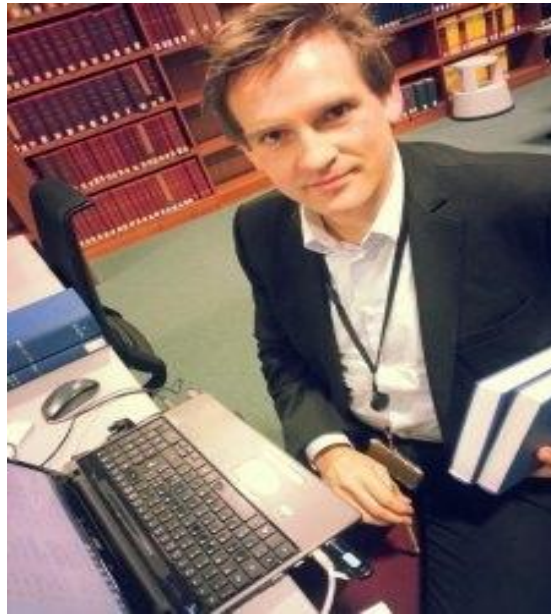


Francesca Ferrari is associate professor of Civil procedural law at Università degli Studi dell'Insubria, Como-Varese. She has been visiting professor at the Harvard Law School and at the University of Maastricht. She is author of three books and of various publications on civil procedure, evidence, comparative civil procedure and intellectual property, both in Italian and in English. She is also a lawyer at the Milan Bar specialized in intellectual property and media law.



Pietro Franzina teaches Private International Law and the Law of International Arbitration at the Catholic University of the Sacred Heart in Milan. He lectured at the Hague Academy of International Law and was a trainer for the European Judicial Training Network, the Academy of European Law and the Italian School of

the Judiciary. He served as a delegate of Italy at various meetings of the Hague Conference on Private International Law and the European Judicial Network in Civil and Commercial Matters.



Albert Henke is Jean Monnet Module Professor of Multilevel, Multiparty and Multisector Cross-Border Litigation in Europe and Aggregate Professor of International Commercial and Investment Arbitration at Università degli Studi, Milan (Italy), where he is also Research Fellow and Lecturer (“Ricercatore”) of Civil Procedure. His main areas of scientific interests are domestic, European, international and comparative civil procedure, international commercial and investment arbitration, private international law and legal advocacy, in respect of which he has authored more than 50 publications, in Italian and in English.

He has held lectures, seminars and workshops in several universities around the world, among which Columbia Law School, New York; University of Montreal (Canada); Lomonosov Moscow State University, Faculty of Law (Russian federation); Radboud University – Nijmegen (The Netherlands); Kuwait International Law School (Kuwait City). He has won two EU-funded three-year long Jean Monnet Module projects in the field of European civil procedure (2015-2018 and 2020-2023) and is the founder and scientific coordinator of Centre of Research on Domestic, European and Transnational Dispute Settlement (DEuTraDiS).

In 2016-2018 he has been National Reporter for Italy (along with Prof. Remo Caponi, Florence University) for an EU Evaluation Study commissioned by the European Commission of the European Union and coordinated by the Max Planck Institute, Luxembourg on the topic: “Impact of National Procedural Laws and Practices on the free circulation of judgements and on the equivalence and effectiveness of the procedural protection of consumers under EU law”. He is member of several editorial board and specialization courses’ teaching committees. Admitted to the Italian Bar in 2005, from 1 January 2005 till 31 December 2006 he has been Associate Legal Expert at the United Nations Commission on International Trade Law (UNCITRAL), Vienna (Austria).



Priyanka Jain is a Research Fellow at the Max Planck Institute Luxembourg for International, European and Regulatory Procedural Law and a PhD candidate at the University of Luxembourg. Her research focusses on a comparative study of collective redress mechanisms and the effective protection of data subject's rights. She is specifically dealing with the topic of mutual recognition of legal standing of qualified entities in cross-border cases.

Before joining the institute, Priyanka has worked as a Legal Assistant in the consumer protection and car litigation team at a Solicitor firm in the UK with a strong practice in commercial litigation, consumer protection and property law. She holds an LLM degree from Coventry University (United Kingdom). The Chartered Management Institute, UK, also awarded her a certificate in 'Strategic Management'. She has completed her BLS LLB (Honours) from Mumbai University (India). During her studies, she interned at law firms specialising in consumer protection, patent litigation and commercial law. She holds a law degree and licensed to practice law all over India by the Bar Council in 2016. Her main research interests include Comparative Procedural Law, Commercial and Consumer Protection Law, Transnational Governance and Dispute Settlement Procedures.



Melissa Kucinski is an international family law expert with her principal office in Washington, D.C. She owns the boutique international law firm of MK Family Law, PLLC. She served as a consultant to the Hague Conference on Private International Law in 2013 and has written a dozen articles published in more than one language on international children's issues and mediation of complex cross-border custody and child abduction cases. Melissa has presented at over 30 national and international conferences on international children's

issues and mediation. Melissa has traveled to Tokyo twice for meetings on the Hague Child Abduction Convention – first in 2014 as part of a U.S. delegation and again in 2019, at the invitation of the Japanese Ministry of Foreign Affairs. Melissa has been a long-standing member of the U.S. Secretary of State's Advisory Committee on Private International Law. She served as a private sector advisor to the U.S. Delegation to the Hague's Sixth Special Commission meeting in 2011 to review the practical operation of two international children's treaties, and she attended the Seventh Special Commission meeting in 2017 with International Social Service (ISS). She chaired ISS's efforts to create a global network of international family mediation resources. Melissa has served in a variety of capacities within the American Bar Association (ABA), including past chair of an International Family Mediation Task Force, and chair of two separate international family law committees. She is currently co-chair of the ABA International Family Law Committee and co-chair of the New York State Bar Association's International Family Law Committee. Melissa has taught the International Family Law course at the George Washington University School of Law since 2010. She is a fellow of the International Academy of Family Lawyers, and has been elected to its Board of Governors. Her book, *A Practical Handbook for the Child's Attorney: Effectively Representing Children in Custody Cases*, included a chapter on representing children in complex international abduction and relocation cases. Her newest book, *Family Law Across Borders: Cases and Comments* was released in 2021 by West Academic.

She is the author of an international family law blog found at www.familylawacrossborders.com.



Claudio Pezzi is a lawyer admitted to the Bologna Bar, managing partner of the law firm Pezzi & Associati based in Bologna, with an extensive experience in international law of commerce and private international law. Over the past years Claudio has developed a robust experience on entertainment Law and IP Rights, most notably in the field of Copyright Law dealing with national and international clients in the area of digital copyright infringement and licensing of photographs, movies, music and videos.

Claudio has a Master of Laws (LLM) in American Law and International Legal Practice from Loyola Law School in Los Angeles, U.S.A.

He is a member of the International Committee of the Bologna Bar Association and founder and president of ILMA – International Law Meeting Association, a local association promoting the study of International Law.



Emma Roberts is a Senior Lecturer and Postgraduate Director in Law at Aberystwyth University (Wales). Formerly, she was an Associate Professor in Legal Studies at the University of Chester. Her doctoral thesis and subsequent publications focus on the Rome II Regulation. She is the Chair of the Seminar Sub-Committee for the regional Law Society in Chester and North Wales. She also serves on the Joint UK-Brussels Law Society Private International Law Working Group.



Anna Wysocka-Bar is an Assistant Professor at the Center of Private International Law at the Law Faculty of the Jagiellonian University (Poland). She is the coordinator of the EU co-funded Jean Monnet Module on European Private International Law (EPIL@JU). She has carried her research in private international law at the Max Planck Institute for Comparative and International Private Law, Swiss Institute of Comparative Law, Peace Palace Library, Institute for comparative law, conflict of laws and international business law at Heidelberg University and Erasmus University Rotterdam. She co-authored a monograph *Private International Law in Poland*, Wolters Kluwer: Alphen aan den Rijn 2020. Anna is an ordinary member of the European Association of Private International Law (EAPIL) and one of the editors of the EAPIL blog. She has given guest lectures on judicial cooperation in civil and commercial matters in the EU at Università degli Studi di Milano, Università degli Studi di Ferrara, Minzu University of China, University of Istanbul, Università Cattolica del Sacro Cuore Milano, Università degli Studi di Bologna, University of Jordan and European Law Academy (ERA). She was a visiting professor at Università degli Studi di Parma. She teaches an intensive course on private international law in the EU at the Radboud Summer School in Nijmegen. Anna is a licensed attorney at law and a licensed tax advisor with years of experience in tax and legal consulting.

Schedule of Classes

July 18

9,15 -10,00		Opening of the Summer School
10,15 - 12,00	Estrin	Climate Change Litigation: the Critical Role of Citizen Suits and Domestic Courts - a Transnational Perspective
12,15 - 13,00	Pezzi	What we should know about Copyright of digital images in the European Union. The evolution of copyright protection in European directives and Court of Justice decisions
Break		
15,15 - 16,00	Roberts	Law Applicable in Cross-Border Non-Contractual Obligations: General Rule
16,15 - 17,00	Roberts	Law Applicable in Cross-Border Non-Contractual Obligations: Exception
17,15 - 18,00	Chiapponi	Unpacking CJEU case law: what are the time limits to proceed to the enforcement of a foreign judgment?

July 19

9,15 -10,00	Kucinski	Using Arbitration to Resolve Family Disputes in the U.S.
10,15 - 11,00	Kucinski	The U.S. Approach in International Parental Child Abduction Cases
11,15 - 13,00	Coffee	Recognition and enforcement of foreign judgments in the United States
Break		
15,15 - 17,00	Estrin	Key Strategic Issues and Strategies for Successful Prosecution and Defence of Domestic Climate Litigation
17,15 - 18,00	Roberts	Law Applicable in Cross-Border Non-Contractual Obligations: A Comparative Outlook

July 20

9,15 -10,00	Kucinski	U.S. Recognition of Foreign Alimony/Spousal Maintenance Awards
10,15 - 11,00	Kucinski	U.S. Recognition of Foreign Parental Responsibility Orders
11,15 - 12,00	Coffee	Treaty implementation in the United States
12,15 - 13,00	Franzina	The law applicable to commercial contracts
Break		
15,15 - 16,00	Franzina	The law applicable to commercial contracts
16,15 - 18,00	Henke	Collective redress in a cross-border dimension: issues and challenges

July 21

9,15 -11,00	Farina	Recognition and enforcement of conflicting judgments in civil and commercial matters
11,15 - 13,00	Wysocka-Bar	EU Succession Regulation in the jurisprudence of the CJEU
Break		
15,15 - 17,00	D'Alessandro	Shall a social media user be classified as a "consumer" under Article 18 of the Brussels I Regulation (Recast)?

July 22

9,15 -10,00	Wysocka-Bar	EU Succession Regulation and succession cases linked with third states
10,15 - 11,00	Anthimos	Service Regulation Recast; Analysis in comparison with EU Regulation 1393/2007
11,15 - 12,00	Anthimos	Service Regulation Recast: case studies
12,15 - 13,00	Anthimos	Evidence Regulation Recast: analysis & case studies
Break		
15,15 - 17,00	Ferrari	The Unitary Patent and the Unified Patent Court
17,15 - 18,00	Jain	The New Directive on Protection of Collective Interests of Consumers and its interplay with the GDPR

July 23

9,15 -11,00	Wysocka-Bar	International Family and Succession Law (workshop)
11,15 - 13,00	Benini	The law applicable to jurisdiction and arbitration agreements (workshop)