



Max Planck Institute for
Comparative and International
Private Law | Hamburg

South East Europe (and Beyond): Let's Talk About Law!

Donikë Qerimi

University of Prishtina, Kosovo

„International Sales of Software and their Jurisdictional
Implications: Focus on the Exchange between the
Third State and EU Domiciled Parties“

Tuesday, 20 September 2016 – 5 pm

Conference Room 1, 1st floor

All employees and guests of the institute as well as
other interested parties are cordially invited to the lecture.

Bettina Mia Bujňáková

About the Speaker:

Donikë Qerimi is an academic assistant at the University of Prishtina (Kosovo) and a PhD Student at Ghent University (Belgium).

Her PhD research focuses on international jurisdiction in commercial matters in the Western Balkans and the EU.

She has previously worked as the legal advisor to the Deputy Prime Minister and Minister of Justice in Kosovo, focusing on international legal cooperation, international treaty negotiations and cooperation with international institutions. Before that she has worked for the civil society sector in Kosovo, in assisting the establishment of Kosovo's Constitutional Court and other local Non-Governmental Organizations. She has an LLM degree from University of Pittsburgh, USA, in the field international and comparative law.

About the Topic:

The discussion on special jurisdiction, according to Brussels I bis, in disputes that arise from an international contract for the supply of software, is not a simple one. That is true especially when one of the parties, most often the seller, is not domiciled in the EU but in a third State. In determining the place of performance of the obligations in these contracts, one will have to answer the questions of whether contracts for the supply of software can be characterized as sales of goods, provision of services, or neither. In answering these questions, courts have often had to rely on substantive rules, such as the CISG, thus transforming this procedural discussion into one about the applicable law. The talk addresses these matters through the perspective of a third-state party software supplier domiciled in one of the Western Balkans countries, a popular provider of IT off-shoring services.