



Max-Planck-Institut für  
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An die interessierten Mitglieder benachbarter juristischer Fakultäten

# EINLADUNG

*Professor Vivienne Bath*

Sydney Law School

"Over-lapping Jurisdictions and the Resolution  
(or Non-Resolution) of Disputes Involving Chinese Courts"

**Dienstag, 22. September 2015 – 17:00 Uhr**

Konferenzraum 1

Zu dem Vortrag sind alle Interessierten herzlich eingeladen.

Holger Fleischer

### About the topic:

As China and its companies become more important internationally, the legislative reach of Chinese law and the jurisdictional reach of Chinese courts become increasingly important. Recent cases in Australia, Singapore and the United Kingdom suggest that the role of the Chinese courts in taking jurisdiction over cases and recognising or giving effect to (or refusing to give effect to) the jurisdiction of foreign courts and tribunals is becoming increasingly significant in multi-jurisdictional disputes. A number of recent maritime cases demonstrate the potential for Chinese and foreign courts to come into conflict in relation to the exercise of jurisdiction and raise questions about the resolution of multi-jurisdictional litigation of cases. This is illustrated by the recent Australian cases of *CMA CGM SA v Ship 'Chou Shan'* [2014] FCA 74 (affirmed in *CMA CGM SA v Ship 'Chou Shan'* [2014] FCAFC 90) and *Atlasnavios Navegacao, LDA v The Ship "Xin Tai Hai"(No 2)*[2012] FCA 1497 both of which required consideration of the jurisdictional reach of the Chinese maritime courts. Similarly, the growing presence of Chinese companies and businesses overseas means that cases outside China often have a potential overlap with cases inside China in relation to evidence, enforcement, and the possibility of competing litigation. While these jurisdictional conflicts are certainly not new in an international sense, the role played by China, as a relatively new entrant into this area, and the approach taken by the Chinese courts, raises interesting issues in the areas of comparative private international law, Chinese law and policy, and international business law. This paper looks at the question of overlapping jurisdiction and the issues arise in resolving the resulting disputes.