



5th German Conference for Young Researchers in Private International Law: Call for Papers

On **February 14 and 15, 2025**, the 5th Conference for Young Researchers in PIL will take place at Heidelberg University. We are delighted to announce that Prof. *Christiane Wendehorst* (University of Vienna), an expert in the law of digitalisation and private international law, has agreed to deliver the keynote lecture of the conference. The topic of the conference will be

Digital transformation and Private International Law Local connections in boundless spaces

After statute theory, Savignyan PIL and Europeanisation, digitalisation has the potential to initiate a fourth evolutionary stage in the history of conflict of laws, which is characterised by decentralisation and delocalisation. We may therefore be on the threshold of a PIL 4.0. We would like to discuss how the conflict-of-laws problems arising from the boundless spaces of digitalisation can be solved in European and autonomous German, Austrian and Swiss private international law. At the same time, we would like to look at the possibilities for legal changes at national, European and international level. In particular, we welcome contributions on comparative aspects of conflict of laws and international procedural law. The following problem descriptions suggest possible contributions, but shall in no way limit the imagination in the choice of topics.

Characterisation: In the area of characterisation, new fact patterns created by digitalisation are raising new questions: For example, how should one classify the ownership of digital assets such as a Bitcoin? Is this a question for international property law, even though digital assets lack physicality, which some legal systems consider an essential element of the concept of property? New questions also arise in contract law: For instance, how shall contracts for digital products be classified (sections 327 et seq. of the German Civil Code)? Which conflict rules apply, for example, if a digital service is rendered in exchange for data?

International law of obligations: Whenever a contract is exclusively concluded by digital means, problems concerning choice of law and jurisdiction agreements may arise. The use of artificial intelligence for the conclusion of contracts can exacerbate these problems. Similarly, digitalisation often tests the limits of international consumer protection. In addition, innovations in substantive law such as the implementation of the Digital Content Directive raise issues of PIL, such as determining the place of performance of contracts for

digital content. In general, digitalisation tends to make it difficult to localise a relevant place. Of course, this also applies to non-contractual claims. A prominent example for this are difficulties in determining the *locus delicti* under Art. 7 No. 2 Brussels Ibis Regulation or Art. 4 para. 1 Rome II Regulation, for instance regarding to social media related violations of personality rights.

International property law: In the age of the *internet of things* – and possibly soon that of the metaverse – the significance of rights *in rem* over tangible objects is undergoing profound change, which is also affecting international property law. Connected devices can be subject to cross-border remote blocking or other means of digital access and attacks. Many physical objects can hardly be reasonably conceptualised without considering their delocalised software components, and many physical goods no longer circulate by way of transfer of ownership, but rather *as a service*. This not only raises the question of where to draw the line to international tort and contract law, but may even challenge the basic connecting factor, the application of the *lex rei sitae*.

International family and succession law: Digitalisation poses challenges for family courts, particularly in cross-border cases. For example, "online marriages" and "online divorces" have to be localised. Similarly, courts have to deal with "digital estates" spanning multiple jurisdictions. In addition, international family and succession law face the general question to what extent digital substitutes for certificates and register extracts can replace traditional notarial and public deeds and to what extent legislators should choose such means to promote cross-border judicial cooperation and reduce barriers to freedom of movement within the European Union.

International corporate and capital markets law: Digitalisation also poses new cross-border issues in corporate law. These range from the introduction of the digital shareholders' meeting, which enables shareholders to exercise their in the digital sphere, to re-conceptualisations of the corporation such as the *decentralised autonomous organisation* (DAO), which raise questions of characterisation and legal personality. The digitalization of financial markets also raises questions, for example in the context of digital securities and other digital asset classes as well as in the area of decentralised finance. Unification projects, such as the UNIDROIT (Draft) Principles on Digital Assets and Private Law, may help to solve these challenges.

Cross-border litigation: Digitalisation offers numerous new tools for cross-border litigation, such as digital service of documents and gathering of evidence through video conferencing. In addition, there are new possibilities to ascertain foreign law via the internet or even by means of artificial intelligence, which could eliminate the need for costly expert opinions. What opportunities and risks do these innovations entail? Could the more flexible law of arbitration play a pioneering role in this respect? And should the use of digital applications in litigation be regulated by uniform rules beyond the European Union level?

Formal requirements

Speakers are invited to give a presentation of approximately 20 minutes (in either German or English). The written contributions will later be published in a conference volume by the publisher Mohr Siebeck.

The conference program will also include group discussions featuring kick-off presentations of approximately 5-10 minutes. We are looking forward to receive abstracts for such short presentations, which may sketch out an issue and/or report on the presenter's ongoing research. These contributions will not be published.

Applications should be submitted to nachwuchstagung@ipr.uni-heidelberg.de by **23 September 2024** and should include the following:

- an anonymised abstract (not exceeding 800 words including footnotes) in pdf format
- a short cover letter, preferably directly in the e-mail, containing your name, address and institutional affiliation, as well as
- an indication of whether the abstract proposes a conference presentation (20 minutes) and/or a short presentation in the group discussions.

Visit https://www.ipr.uni-heidelberg.de/ipr-nachwuchstagung/index_en.html for more information. Please do not hesitate to contact us under the abovementioned e-mail address if you have any further questions.

We look forward to receiving your proposals.

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