Index

ADMISSIBILITY AND

PRESENTATION OF EVIDENCE Recommendations of Hague Special Commission on Service, Taking of AT TRIAL—Cont'd Evidence, and Access to Justice **Sweden** (this index) Convention, 33:16 Switzerland (this index) United Kingdom, key distinguishing Taiwan (this index) issues, 29:2 Turkey (this index) **United Kingdom** (this index) **ADMINISTRATION United States of America** (this index) Council of Europe Convention on Uruguay (this index) Obtaining Abroad of Information and Evidence in Administrative AGENCY Matters, **36:5** Austria, 3:76 **ADMIRALTY AND MARITIME** Brazil, **5:6**9 ACTIONS Finland 11:65 Brazil, 5:75 France, 12:65 Finland, 11:71 Germany, 13:61 Hungary, 14:71 France, 12:71 Korea, carriage of goods by sea, 19:68 Japan, **18:69** Kuwait, 20:73 Korea, 19:64 Kuwait, 20:67 ADMISSIBILITY AND Sweden, 24:66 PRESENTATION OF E AT TRIAL AGGRAVATED DAMAGES Australia (this index) Canada, 6:58 Austria (this index) ALIEN'S ACTION FOR TORT Belgium (this index) United States statutes, 39:11 **Brazil** (this index) Canada, general requirements and prac-AMERICAN ARBITRATION tices, 6:48 ASSOCIATION China, People's Republic (this index) AAA International Dispute Resolution Czech Republic, 9:55 Procedures (including Mediation and Arbitration Rules), 41:2 Denmark, 10:14 AAA Rules and Procedures with Sup-Finland (this index) plementary Procedures for **France** (this index) International Commercial Arbitra-**Germany** (this index) tion, 41:1 India, 15:25, 15:26 Ireland, 16:29 ANSWER OR STATEMENT OF Japan (this index) **DEFENCE/DEFENSE** Australia, 2:27 Korea (this index) **Kuwait** (this index) Austria, 3:30 Philippines, 22:14 Belgium, 4:29 Brazil, 5:28 Singapore, 23:41

ACCESS TO JUSTICE

ANSWER OR STATEMENT OF	APPEAL AND REVIEW OF
DEFENCE/DEFENSE—Cont'd	TRANSNATIONAL JUDGMENTS
Canada, 6:20	—Cont'd
China, People's Republic, 7:29	Taiwan (this index)
Czech Republic, 9:27	Turkey (this index)
Finland, 11:25 , 11:26	United Arab Emirates (this index)
France, 12:28 , 12:29	United Kingdom (this index)
Germany, 13:27	United States of America (this index)
Hungary, 14:33	Uruguay (this index)
India, 15:15	ARBITRATION
Ireland, 16:23	AAA. American Arbitration Associa-
Italy, 17:17	tion (this index)
Japan, 18:28	Agreement Relating to Application of
Korea, 19:24	the European Convention on
Kuwait, 20:26	International Commercial Arbitra-
Singapore, 23:21	tion, 36:7
Sweden, 24:28	Arbitration Rules (this index)
Switzerland, 25:27	Austria (this index)
Taiwan, 26:19	Belgium (this index)
Turkey, 27:33	Brazil (this index)
United States of America, 30:29	Canada (this index)
Uruguay, 31:20	China, People's Republic (this index)
ANTON PILLER ORDER	Class arbitration
Singapore, 23:33	feasibility, generally, 1:4
	Convention on the Recognition and
APPEAL AND REVIEW OF	Enforcement of Foreign Arbitral
TRANSNATIONAL JUDGMENTS	Awards, 34:4
Australia (this index)	Council of Europe Convention Provid-
Austria (this index)	ing a Uniform Law on Arbitration,
Belgium (this index)	36:6
Brazil (this index)	Czech Republic (this index)
Canada (this index)	Denmark, 10:21
China, People's Republic (this index)	English Arbitration Act, 40:3
Czech Republic (this index)	European Convention on International
Denmark, 10:15	Commercial Arbitration, 34:7, 36:7
Finland (this index)	Fair and efficient process, 1:6
France (this index)	Finland (this index)
Germany (this index)	Foreign jurisdictions
Hungary (this index)	arbitration rules of Chinese Arbitra-
India (this index)	tion Association, Taipei, 40:22
Ireland, 16:30	China, People's Republic of, Arbitra-
Italy, 17:39, 17:40	tion Law, 1994, 40:16
Japan (this index)	Commercial Arbitration Law of
Korea (this index)	Kingdom of Cambodia, 40:15
Kuwait (this index)	English Arbitration Act, 40:3
Philippines, 22:15	German Arbitration Act, 40:10
Sweden (this index)	Hong Kong Arbitration Ordinance,
Switzerland (this index)	40:20

ARBITRATION RULES—Cont'd ARBITRATION—Cont'd Foreign jurisdictions—Cont'd American Arbitration Association Ireland, Arbitration Act 2010, 40:4 -Cont'd Italy, Arbitration (Title VII of Book AAA Rules and Procedures with Supplementary Procedures for IV of Italian Code of Civil Pro-**International Commercial** cedure), 40:5 Arbitration, 41:1 Mongolia Law on Arbitration, 40:18 Arbitration Foundation of Southern Saudia Arabia, Law of Arbitration, Africa 40:19 administered arbitration and media-Singapore International Arbitration tion, introduction to, 41:18 Act, 40:21 commercial arbitration rules, 41:19 South African Arbitration Act, 40:13 recommended standard clauses, 41:20 France (this index) Arbitration Institute of Stockholm German Arbitration Act. 40:10 Chamber of Commerce Inter-American Convention on Extraterexpedited arbitration rules, 41:12 ritorial Validity of Foreign Judgrules of arbitration, 41:11 ments and Arbitral Awards, 38:1 Cairo Regional Centre for International Ireland, Arbitration Act 2010, 40:4 Commercial Arbitration Italy, Arbitration (Title VII of Book IV ADR rules, 41:17 of Italian Code of Civil Procedure), rules of arbitration, 41:16 40.5 Czech Republic, Rules of the Arbitration Kuwait (this index) Court, 41:21 Nigeria (this index) Egypt. Cairo Regional Centre for Philippines, 22:21 International Commercial Arbitra-Rules of arbitration. Arbitration Rules tion, above (this index) Georgia, law on private arbitration, South African Arbitration Act. 40:13 41:29 Swiss international arbitration, interim International Bar Association and conservatory relief, 25,44 Guidelines on Conflicts of Interest in United Nations Convention on the Rec-International Arbitration, 41:6 ognition and Enforcement of Rules on Taking of Evidence in Foreign Arbitral Awards, 34:4 International Commercial United States Federal Arbitration Act, Arbitration, 41:5 International Chamber of Commerce **United States of America** (this index) ADR Rules and Guide to ICC ADR, 41:8 **Uruguay** (this index) rules for pre-arbitral referee proce-Vietnam (this index) dure, 41:9 ARBITRATION COURT FOR Rules of Arbitration, 41:7 FOREIGN TRADE (ACFT) rules of ICC as appointing authority **Cuba** (this index) in UNCITRAL or other ad hoc arbitration proceedings, 41:10 ARBITRATION RULES London Court of International Arbitra-Generally, 41:1 et seq. tion American Arbitration Association Mediation Procedure, 41:4 Rules of Arbitration, 41:3 AAA International Dispute Resolution Procedures (including Mongolian National Arbitration Court

Rules), 41:2

Mediation and Arbitration

Arbitration Rules (adopted June 16,

2003), 41:25

ARBITRATION RULES—Cont'd ATTORNEY-CLIENT PRIVILEGE National Arbitration Forum Australia (this index) arbitration agreement drafting guide, Austria (this index) 41:14 Belgium (this index) Code of Procedure, 41:13 **Brazil** (this index) fee schedule to Code of Procedure, Canada (this index) 41:15 China, People's Republic (this index) Romania, Court of International Com-**Finland** (this index) mercial Arbitration of the France (this index) Romanian Chamber of Commerce Germany (this index) and Industry Arbitration Rules (in **Hungary** (this index) force 25 Mar 2010), 41:26 Japan (this index) Singapore Arbitration Act of 2001, **Korea** (this index) 41:27 Kuwait (this index) South Africa. Arbitration Foundation of Sweden (this index) Southern Africa, above Turkey (this index) Sweden. Arbitration Institute of **United Kingdom** (this index) Stockholm Chamber of Commerce, United States of America (this index) above Uruguay (this index) Tunis Center for Conciliation and Arbitration ATTORNEY FEES rules of arbitration, 41:22 Australia, 2:98 rules of mediation and conciliation, Austria, 3:109 41:23 Selgium, 4:76 U.S. Department of Commerce Brazil, **5:109** International Arbitration Guide Canada, **6:81** 41:28 China, People's Republic, 7:97 Czech Republic, 9:81 **ATTACHMENT** Finland, 11:98 Australia (this index) France, 12:99 Austria, 3:104 Germany, 13:98 Belgium, 4:71 Hungary, 14:102 Brazil, 5:102 Japan. 18:102 Canada, 6:76 Korea, 19:104 China, People's Republic, 7:92 Kuwait, 20:107 Czech Republic, 9:76, 9:77 Singapore, 23:53 Finland, 11:92 Sweden, 24:97 Germany, 13:92 Switzerland, 25:83, 25:85 Japan, 18:96 Taiwan, 26:56 Korea, 19:98 Turkey, 27:95 Kuwait, 20:34, 20:100, 20:101 United Kingdom, 29:98 Sweden, 24:90 United States of America, 30:95 Switzerland, 25:80, 25:81 Uruguay, 31:81 Turkey, 27:89 ATTORNEY WORK PRODUCT **United Arab Emirates** (this index) PRIVILEGE United Kingdom, 29:91 Australia (this index) United States of America, 30:88, 30:89 Austria (this index) Uruguay, 31:75 Belgium (this index)

ATTORNEY WORK PRODUCT PRIVILEGE—Cont'd	AUSTRALIA—Cont'd Admissibility and presentation at trial of
Brazil (this index)	evidence taken domestically or abroad
Canada (this index) China, People's Republic (this index)	admissibility at trial, 2:66
Finland (this index)	general requirements and practices,
France (this index)	2:65
Germany (this index)	Answer or statement of defence, 2:27
Hungary (this index)	Appeal and review of transnational
Japan (this index)	judgments
Korea (this index)	conclusiveness and finality of judg-
Kuwait (this index)	ments, generally, 2:67
Sweden (this index)	practical problems, 2:70
Turkey (this index)	procedural issues, 2:68
United Kingdom (this index)	relevance to later efforts to recognize
United States of America (this index)	and enforce, 2:72
Uruguay (this index)	strategic considerations, 2:71
Oruguay (uns macx)	substantive issues, 2:69
AUCTION	time factors, 2:70 Application (basic form), App 2D
United Arab Emirates, execution of	Attachment
judgments, 28:65	post-judgment attachment, sovereign
AUDIENCE IN COURT	immunity, 2:92
Australia, 2:3	pre-judgment attachment, sovereign
Austria, 3:3	immunity, 2:91
Relaium 4.5	Attorney-client privilege
Brazil 5:3	taking of documentary evidence
Canada 6:3	abroad in support of domestic
Brazil, 5:3 Canada, 6:3 China, People's Republic, 7:3 Czech Republic, 9:4 Finland, 11:3	action, 2:64
Czech Republic 9.4	taking of documentary evidence
Finland, 11:3	domestically in support of foreign action, 2:59
France, 12:3	taking of witness evidence abroad in
Germany, 13:3	support of domestic action, 2:53
Hungary, 14:3	taking of witness evidence domesti-
Ireland, 16:3	cally in support of foreign action,
Japan, 18:3	2:45
Korea, 19:3	Attorney fees, 2:98
Kuwait, 20:3	Attorney work product privilege
Singapore, 23:3	taking of documentary evidence
Sweden, 24:3	abroad in support of domestic
Switzerland, 25:3	action, 2:64
Taiwan, 26:3	taking of documentary evidence domestically in support of
Turkey, 27:7	foreign action, 2:59
United States of America, 30:4	taking of witness evidence abroad in
	support of domestic action, 2:53
AUSTRALIA	taking of witness evidence domesti-
Generally, 2:1 to 2:98	cally in support of foreign action,
Ab initio objection to jurisdiction, 2:9	2:45

AUSTRALIA—Cont'd AUSTRALIA—Cont'd Audience in court, rights, 2:3 Compromise of proceedings. Settlement Bilateral treaties, service of process and compromise of proceedings, domestically to commence foreign action, 2:16 Conclusiveness and finality of judgments, generally, 2:67 Blocking statutes Content taking of documentary evidence domestically in support of answer or statement of defence, 2:27 foreign action, 2:54 complaint or statement of claim, 2:26 taking of witness evidence domesti-Contingent fees, 2:98 cally in support of foreign action, Contract, acceptable kinds of damages recovery in, 2:73 Challenges to jurisdiction, 2:8 Conventions Choice of forum clauses, 2:7 recognition and enforcement of Choice of law foreign civil and commercial judgments, 2:79 choice of law clauses, 2:12 service of process abroad to comforeign substantive law, bases for mence domestic action, 2:20 application, 2:11 service of process domestically to party autonomy, 2:12 commence foreign action, 2:15 relevance to later efforts to recognize taking of accumentary evidence and enforce, 2:13 abroad in support of domestic statutory and other bases for applicaaction, **2:60** tion of foreign substantive law, taking of documentary evidence 2:11 domestically in support of Civil and commercial judgments. Recforeign action, 2:55 ognition and enforcement of taking of witness evidence abroad in foreign civil and commercial judgsupport of domestic action, 2:46 ments, below taking of witness evidence domesti-Commencement of suit cally in support of foreign action, answer or statement of defence, 2:27 2:40 complaint or statement of claim, 2:26 Costs and fees form of answer or statement of generally, 2:94 defence, 2:27 attorney fees, 2:98 form of complaint or statement of contingent fees, 2:98 claim, 2:26 court costs, 2:96 statement of claim, 2:26 fee schedules, 2:98 statement of defence, 2:27 interest, 2:97 strategic considerations, answer or security for costs, 2:95 statement of defence, 2:27 Court structure strategic considerations, complaint or adjudication, time horizon and statement of claim, 2:26 influencing factors, 2:4 substance and content of answer or audience rights, 2:3 statement of defence, 2:27 Federal courts, below substance and content of complaint or foreign co-counsel, role, 2:3 statement of claim, 2:26 Currency conversion, damages recovery, Commercial judgments. Recognition 2:78 and enforcement of foreign civil Damages and commercial judgments, below acceptable kinds of damages recovery Complaint or statement of claim, 2:26 in contract, 2:73

AUSTRALIA—Cont'd AUSTRALIA—Cont'd Evidence—Cont'd Damages—Cont'd currency conversion, 2:78 taking of witness evidence abroad in lost profits damages, specific issues, support of domestic action, below 2:74 taking of witness evidence domestinon-contractual bases, damages cally in support of foreign action, recovery in, 2:75 below product liability, damages recovery Expert evidence, special issues in, 2:75 public policy constraints, 2:77 taking of witness evidence abroad in recognition and enforcement of support of domestic action, 2:52 foreign civil and commercial taking of witness evidence domestijudgments, 2:83 cally in support of foreign action, standards of burden of proof for 2:44 recovery, 2:76 Federal courts tort action, damages recovery in, 2:75 CM6 Electronic Technology in Liti-Default judgments gation, **40**:2 recognition and enforcement of Federal Court of Australia Act 1976, foreign civil and commercial 40:1 judgments, 2:83 Fees. Costs and fees, above service of process abroad to com-Foreign co-counsel, role, 2:3 mence domestic action, 2:25 Foreign Judgments Act (Act No. 112 of 1991) recognition and enforcement of List of Countries Covered by FJA, foreign civil and commercial App 2B judgments, 2:83 text, App 2H taking of documentary evidence Foreign jurisdictions, Federal Court of domestically in support of Australia Act 1976, 40:1 foreign action, 2:54 Foreign Proceedings (Excess of Jurisdictaking of witness evidence demestition) Act (Cth) 1984, App 2G cally in support of foreign action, Form of answer or statement of defence, 2:39 Documentary evidence Form of complaint or statement of taking of documentary evidence claim, 2:26 abroad in support of domestic Forum non conveniens and equivalent action, below notions, 2:8 taking of documentary evidence domestically in support of Immunities and privileges foreign action, below sovereign immunity, below Enforcement of judgments against taking of documentary evidence foreign sovereigns, 2:92, 2:93 abroad in support of domestic Enforcement of jurisdiction, 2:9 action, 2:64 Evidence taking of documentary evidence domestically in support of damages recovery, standards of foreign action, 2:59 burden of proof, 2:76 taking of documentary evidence taking of witness evidence abroad in domestically in support of support of domestic action, 2:53 foreign action, below taking of witness evidence domestitaking of evidence against foreign cally in support of foreign action, sovereign entities, 2:90 2:45

AUSTRALIA—Cont'd AUSTRALIA—Cont'd Injunctions and similar emergency Obtaining jurisdiction and choice of measures forum—Cont'd against foreign sovereigns, 2:91 challenges to jurisdiction, 2:8 interim and conservative relief. 2:34 choice of forum clauses, 2:7 to 2:38 enforcement of jurisdiction, 2:9 Inter-American Convention on Taking forum non conveniens and equivalent of Evidence Abroad notions, 2:8 generally, 2:47 parallel proceedings, 2:10 ratifications, 2:48 party autonomy, 2:7 signatories, 2:48 personal jurisdiction, basis for accep-Interest, costs and fees, 2:97 tance, 2:5 Interim and conservative relief property as jurisdictional basis, 2:6 generally, 2:34 relevance to later efforts to recognize injunctions and similar emergency and enforce, 2:9 measures, 2:34 to 2:38 statutory and other bases, 2:5 parallel suits, possible strategies, 2:38 subject matter jurisdiction, basis for petitions abroad in connection with acceptance, 2:5 domestic proceedings, 2:35 Other means and absence of conventions petitions domestically in support of recognition and enforcement of foreign proceedings, 2:36 toreign civil and commercial property as security device, 2:37 judgments, 2:80 security, 2:37 taking of documentary evidence Jurisdiction and choice of forum abroad in support of domestic generally, App 2A action, 2:61 Australia Federal Courts, CM6 taking of documentary evidence Electronic Technology in Litigadomestically in support of tion, 40:2 foreign action, 2:56 Federal Court of Australia Act 1976, taking of witness evidence abroad in 40:1 support of domestic action, 2:49 List of Countries Covered by FJA, App taking of witness evidence domestically in support of foreign action, List of Mandatory Laws of Com-2:41 monwealth, App 2C Parallel proceedings Local procedural requirements at place interim and conservative relief, posof action sible strategies, 2:38 recognition and enforcement of obtaining jurisdiction and choice of foreign civil and commercial judgments, 2:81 forum, 2:10 service of process abroad to com-Party autonomy mence domestic action, 2:22 choice of law, 2:12 service of process domestically to obtaining jurisdiction and choice of commence foreign action, 2:17 forum, 2:7 Lost profits damages, specific issues, Personal jurisdiction 2:74 obtaining jurisdiction and choice of Non-contractual bases, damages forum. 2:5 recovery in, 2:75 sovereign immunity, 2:89 Obtaining jurisdiction and choice of forum Petitions abroad in connection with domestic proceedings, 2:35 ab initio objection to jurisdiction, 2:9

AUSTRALIA—Cont'd AUSTRALIA—Cont'd Petitions domestically in support of Recognition and enforcement of foreign foreign proceedings, 2:36 civil and commercial judgments Post-judgment attachment, sovereign immunity, **2:92** local procedural requirements at place Practical problems of action, 2:81 appeal and review of transnational other issues affecting enforceability, judgments, 2:70 2:83 recognition and enforcement of other means and absence of convenforeign civil and commercial tions, 2:80 judgments, 2:82 practical problems, 2:82 service of process abroad to compublic policy issues, 2:83 mence domestic action, 2:23 punitive damages, 2:83 service of process domestically to time factors, 2:82 commence foreign action, 2:18 Recognition and enforcement of judgsummary judgments and equivalent ments against foreign sovereigns, proceedings, 2:31 2:93 taking of documentary evidence Relevance to later efforts to recognize abroad in support of domestic and enforce action, 2:62 appeal and review of transnational taking of documentary evidence judgments, 2:72 domestically in support of choice of law, 2:13 foreign action, 2:57 obtaining jurisdiction and choice of taking of witness evidence abroad in forum, 2:9 support of domestic action, 2:50 service of process abroad to comtaking of witness evidence domestimence domestic action, 2:24 cally in support of foreign action, service of process domestically to 2:42 commence foreign action, 2:19 Pre-judgment attachment, sovereign summary judgments and equivalent immunity, 2:91 Privileges. Immunities and privileges, proceedings, 2:33 above taking of documentary evidence abroad in support of domestic Product liability, damages recovery in, action, 2:63 Property as jurisdictional basis, 2:6 taking of documentary evidence domestically in support of Property as security device, 2:37 foreign action, 2:58 Public policy taking of witness evidence abroad in damages, 2:77 support of domestic action, 2:51 recognition and enforcement of taking of witness evidence domestiforeign civil and commercial cally in support of foreign action, judgments, 2:83 2:43 Punitive damages, recognition and Rights of audience in court, 2:3 enforcement of foreign civil and commercial judgments, 2:83 Schedule of fees. 2:98 Recognition and enforcement of foreign Schedule of Fees in Federal Court, App civil and commercial judgments 2E conventions, 2:79 Secrecy laws damages, 2:83 taking of documentary evidence default judgments, 2:83 domestically in support of discovery, 2:83 foreign action, 2:54

AUSTRALIA—Cont'd	AUSTRALIA—Cont'd
Secrecy laws—Cont'd	Sovereign immunity—Cont'd
taking of witness evidence domesti-	enforcement of judgments against
cally in support of foreign action,	foreign sovereigns, 2:92, 2:93
2:39	injunctive measures against foreign
Security	sovereigns, 2:91
costs, security for, 2:95	personal jurisdiction, 2:89
property as security device, 2:37	post-judgment attachment, 2:92
Service of process abroad to commence	pre-judgment attachment, 2:91
domestic action	recognition and enforcement of judg-
conventions, 2:20	ments against foreign sovereigns, 2:93
default judgments, 2:25	
local procedural requirements at place	service of process on foreign sovereigns, 2:88
of action, 2:22	subject matter jurisdiction, 2:89
other means and absence of conven-	taking of evidence against foreign
tions, 2:21	sovereign entities, 2:90
practical problems, 2:23	Standards of burden of proof for dam-
relevance to later efforts to recognize	ages recovery, 2:76
and enforce at place of judgment,	Statement of claim, 2:26
2:24	Statement of defence, 2:27
time factors, 2:23	Statutory and other bases
Service of process domestically to com- mence foreign action	choice of law, 2:11
bilateral treaties and other such	obtaining jurisdiction and choice of
means, 2:16	forum, 2:5
conventions, 2:15	Strategic considerations
local procedural requirements at place	answer or statement of defence, 2:27
of action, 2:17	appeal and review of transnational
other means and absence of conven-	judgments, 2:71
tions, 2:16	complaint or statement of complaint,
practical problems, 2:18	2:26
relevance to later prioris to recognize	summary judgments and equivalent proceedings, 2:32
and enforce at place of service,	
2:19	Structure of courts. Court structure, above
time factors, 2:18	Subject matter jurisdiction
Service of process on foreign	obtaining jurisdiction and choice of
sovereigns, 2:88	forum, 2:5
Settlement and compromise of proceed-	sovereign immunity, 2:89
ings	Substance and content
formalities, 2:85	answer or statement of defence, 2:27
kinds of settlement and compromise,	complaint or statement of claim, 2:26
2:84	Substantive and practical overview of
litigation, effect on, 2:86	key distinguishing issues in
requirements, 2:85	Australia, 2:1
Sovereign immunity	Substantive issues
generally, 2:87	appeal and review of transnational
aids in enforcement of judgments	judgments, 2:69
against foreign sovereigns, 2:92	choice of law, 2:11

AUSTRALIA—Cont'd	AUSTRALIA—Cont'd
Substantive issues—Cont'd	Taking of documentary evidence
summary judgments and equivalent	domestically in support of foreign
proceedings, 2:30	action—Cont'd
Summary judgments and equivalent	relevance to later efforts to recognize
proceedings	and enforce at place of service,
generally, 2:28	2:58
practical problems, 2:31	secrecy laws, 2:54
procedural requirements, 2:29	time factors, 2:57 Taking of witness evidence abroad in
relevance to later efforts to recognize and enforce, 2:33	support of domestic action
strategic considerations, 2:32	admissibility and presentation at trial
substantive requirements, 2:30	of evidence taken domestically or abroad, 2:65 , 2:66
time factors, 2:31	attorney client privilege, 2:53
Table of Cases, App 2F	attorney work product privilege, 2:53
Taking of documentary evidence abroad	conventions, 2:46
in support of domestic action	expert evidence special issues, 2:52
admissibility and presentation at trial	Inter-American Convention on Tak-
of evidence taken domestically	ing of Evidence Abroad, 2:47,
or abroad, 2:65 , 2:66	2.48
attorney-client privilege, 2:64	other means and absence of conven-
attorney work produce privilege, 2:64	tions, 2:49
conventions, 2:60	practical problems, 2:50
other means and absence of conven-	privileges, 2:53
tions, 2:61	ratifications, Inter-American Conven-
practical problems, 2:62	tion on Taking of Evidence Abroad, 2:48
privileges, 2:64	relevance to later efforts to recognize
relevance to later efforts to recognize	and enforce at place of judgment,
and enforce at place of judgment, 2:63	2:51
time factors, 2:62	signatories, Inter-American Conven-
	tion on Taking of Evidence
Taking of documentary evidence domestically in support of foreign	Abroad, 2:48
action	time factors, 2:50
admissibility and presentation at trial	Taking of witness evidence domestically
of evidence taken domestically	in support of foreign action admissibility and presentation at trial
or abroad, 2:65 , 2:66	of evidence taken domestically
attorney-client privilege, 2:59	or abroad, 2:65 , 2:66
attorney work product privilege, 2:59	attorney-client privilege, 2:45
blocking statutes, 2:54	attorney work product privilege, 2:45
conventions, 2:55	blocking statutes, 2:39
discovery, when and from whom,	conventions, 2:40
2:54	discovery, when and from whom,
other means and absence of conven-	2:39
tions, 2:56	expert evidence, special issues, 2:44
practical problems, 2:57	other means and absence of conven-
privileges, 2:59	tions, 2:41

AUSTRALIA—Cont'd AUSTRIA—Cont'd Taking of witness evidence domestically Admissibility and presentation at trial of evidence taken domestically or in support of foreign action abroad —Cont'd agency, 3:76 practical problems, 2:42 construction, 3:79 privileges, 2:45 general commercial, 3:73 relevance to later efforts to recognize general requirements and practices, and enforce at place of service, 2:43 3:72 intellectual property, 3:75 secrecy laws, 2:39 principal-agent, 3:76 time factors, 2:42 products liability, 3:78 Time factors sale of goods, 3:74 adjudication, time horizon and tort, 3:77 influencing factors, 2:4 Agency, admissibility and presentation appeal and review of transnational at trial of evidence taken domestijudgments, 2:70 cally or abroad, 3:76 recognition and enforcement of Answer or statement of defense, 3:30 foreign civil and commercial Appeal and review of transnational judgments, 2:82 judgments service of process abroad to comconclusiveness and finality of judgmence domestic action, 2:23 ments, generally, 3:80 service of process domestically to traordinary means of appeal, 3:82 commence foreign action, 2:18 ordinary means of appeal, 3:81 summary judgments and equivalent practical problems, 3:83 proceedings, 2:31 relevance to later efforts to recognize taking of documentary evidence and enforce, 3:84 abroad in support of domestic strategic considerations, 3:84 action, 2:62 time factors, 3:83 taking of documentary evidence domestically in support of Appeal of arbitrator's decision, 3:124 foreign action, 2:57 Arbitration taking of witness evidence abroad in generally, 3:112 support of domestic action, 2:50 appeal of arbitrator's decision, 3:124 taking of witness evidence domesticonfidentiality, 3:120 cally in support of foreign action, duties of arbitrators, 3:122 2:42 enforcement of agreement to arbitrate, Tort action, damages recovery in, 2:75 3:118 enforcement of awards made outside Witness evidence Austria, 3:126 taking of witness evidence abroad in institutions, 3:127 support of domestic action, international arbitration in convenabove tions to which Austria is party, taking of witness evidence domesti-3:113 cally in support of foreign action, jurisdiction of arbitrators, 3:119 above preliminary relief, 3:121 **AUSTRIA** qualification of arbitrators, 3:116 Generally, 3:1 to 3:127 right of representation, 3:117 Abbreviations, App 3A setting aside or vacating arbitral Ab initio objection to jurisdiction, 3:10 award, 3:125

AUSTRIA—Cont'd	AUSTRIA—Cont'd
Arbitration—Cont'd	Choice of law—Cont'd
statute, 3:114	relevance to later efforts to recognize
time limit to issue award, 3:123	and enforce, 3:14
UNCITRAL model law on	statutory and other bases for applica-
international commercial arbitra-	tion of foreign substantive law,
tion, 3:115	3:12
Attachment	Civil and commercial judgments. Rec-
post-judgment attachment, sovereign immunity, 3:104	ognition and enforcement of foreign civil and commercial judg-
pre-judgment attachment, sovereign immunity, 3:104	ments, below Commencement of suit
Attorney-client privilege	answer or statement of defense, 3:30
taking of documentary evidence	complaint or statement of claim, 3:29
abroad in support of domestic	counterclaims, 3:31
action, 3:71	exchange of brief 3:31
taking of documentary evidence	
domestically in support of	further proceedings, 3:31
foreign action, 3:65	statement of defence, 3:30
taking of witness evidence abroad in	Community law
support of domestic action, 3:58	recognition and enforcement of
taking of witness evidence domesti-	ioreign civil and commercial
cally in support of foreign action,	judgments, 3:92
3:49 Attorney fees, 3:109	service of process abroad to commence domestic action, 3:23
Attorney work product privilege	service of process domestically to
taking of documentary evidence	commence foreign action, 3:16
abroad in support of domestic	Complaint or statement of claim, 3:29
action, 3:71	Compromise of proceedings. Settlement
taking of documentary evidence	and compromise of proceedings,
domestically in support of	below
foreign action, 3:65	Conclusiveness and finality of judg-
Audience in court, rights, 3:3	ments, generally, 3:80
Bilateral Enforcement Treaties in Civil	Confidentiality of arbitration proceed-
and Commercial Matters with	ings, 3:120
Austria, App 3F	Construction work, admissibility and
Blocking statutes	presentation at trial of evidence
taking of documentary evidence	taken domestically or abroad, 3:79
domestically in support of	Contingent fees, 3:109
foreign action, 3:60	Contract, acceptable kinds of damages
taking of witness evidence domesti-	recovery in, 3:85
cally in support of foreign action,	Conventions
3:43	international arbitration in conven-
Challenges to jurisdiction, 3:9	tions to which Austria is party,
Choice of forum clauses, 3:8	3:113
Choice of law	recognition and enforcement of
choice of law clauses, 3:13	foreign civil and commercial
foreign substantive law, bases for	judgments, 3:92
application, 3:12	service of process abroad to com-
party autonomy, 3:13	mence domestic action, 3:23

Conventions—Cont'd Damages—Cont'd service of process domestically to standards of burden of proof for	
commence foreign action, 3:16 recovery, 3:88	
taking of documentary evidence tort action, damages recovery in, 3:87	
abroad in support of domestic Default judgments	
action, 3:67 recognition and enforcement of	
taking of documentary evidence foreign civil and commercial	
domestically in support of judgments, 3:96	
foreign action, 3:61 service of process abroad to com-	
taking of witness evidence abroad in mence domestic action, 3:28	
support of domestic action, 3:51 service of process domestically to	
taking of witness evidence domesti- commence foreign action, 3:21	
cally in support of foreign action, Discovery	
3:44 recognition and enforcement of	
Costs and fees foreign civil and commercial	
generally, 3:106 judgments, 3:36	
attorney fees, 3:109 taking of documentary evidence	
contingent fees, 3:109 domes ically in support of	
court costs, 3:107 foreign action, 3:60	
fee schedules, 3:109 taking of witness evidence domesti-	
interest, 3:108 cally in support of foreign action,	
legal aid, 3:111	
litigation costs and reimbursement.	
3:110 taking of documentary evidence	
security for costs, 3:106 abroad in support of domestic	
Counterclaims, 3:31 Court structure generally, 3:2 Counterclaims, 3:31 taking of documentary evidence domestically in support of foreign action, below.	
generally, 3:2 domestically in support of foreign action, below	
adjudication, time horizon and Enforcement of agreement to arbitrate,	
influencing factors, 3:4 3:118	
audience rights, 3:3 Enforcement of arbitration awards made	
foreign co-course, role, 3:3 outside Austria, 3:126	
Currency conversion, damages recovery, Enforcement of judgments against	
3:90 foreign sovereigns, 3:104, 3:105	
Damages Enforcement of jurisdiction, 3:10	
acceptable kinds of damages recovery Evidence	
in contract, 3:85 damages recovery, standards of	
currency conversion, 3:90 burden of proof, 3:88	
last me fts damages specific issues taking of documentary evidence	
domestically in support of	
foreign action, below	
non-contractual bases, damages taking of evidence against foreign	
recovery in, 3:87 taking of evidence against foreign sovereign entities, 3:103	
recovery in, 3:87 taking of evidence against foreign sovereign entities, 3:103 taking of witness evidence abroad in	
recovery in, 3:87 product liability, damages recovery in, 3:87 taking of evidence against foreign sovereign entities, 3:103 taking of witness evidence abroad in support of domestic action,	
non-contractual bases, damages recovery in, 3:87 product liability, damages recovery in, 3:87 public policy constraints, 3:89 taking of evidence against foreign sovereign entities, 3:103 taking of witness evidence abroad in support of domestic action, below	
recovery in, 3:87 product liability, damages recovery in, 3:87 taking of evidence against foreign sovereign entities, 3:103 taking of witness evidence abroad in support of domestic action,	

AUSTRIA—Cont'd	AUSTRIA—Cont'd
Expert evidence, special issues	Legal aid, 3:111
taking of witness evidence abroad in support of domestic action, 3:57	List of Countries with Mutual Recognition in Civil and Commercial Mat-
taking of witness evidence domestically in support of foreign action, 3:48	ters with Austria, App 3D Local procedural requirements at place of action
Fees. Costs and fees, above Fee schedules, 3:109	recognition and enforcement of foreign civil and commercial judgments, 3:94
Foreign co-counsel, role, 3:3 Forum non conveniens and equivalent notions, 3:9	service of process abroad to commence domestic action, 3:25
General commercial, admissibility and presentation at trial of evidence taken domestically or abroad, 3:73	service of process domestically to commence foreign action, 3:18 Lost profits damages, specific issues,
Immunities and privileges	3:86
sovereign immunity, below	Non-contractual baces, damages recovery in, 3:37
taking of documentary evidence abroad in support of domestic action, 3:71	Obtaining jurisdiction and choice of forum
taking of documentary evidence	generally, 3:5
domestically in support of foreign action, 3:65	ab initio objection to jurisdiction, 3:10
taking of witness evidence abroad in support of domestic action, 3:58	challenges to jurisdiction, 3:9 choice of forum clauses, 3:8
taking of witness evidence domesti-	enforcement of jurisdiction, 3:10 forum non conveniens and equivalent
cally in support of foreign action, 3:49	notions, 3:9
Injunctions and similar emergency	parallel proceedings, 3:11
measures	party autonomy, 3:8
against foreign sovereigns, 3:104	personal jurisdiction, basis for acceptance, 3:5
interim and conservative relief, 3:37 to 3:41	property as jurisdictional basis, 3:7
Intellectual property, admissibility and presentation at trial of evidence	relevance to later efforts to recognize and enforce, 3:10
taken domestically or abroad, 3:75	statutory and other bases, 3:6
Interest, costs and fees, 3:108	subject matter jurisdiction, basis for acceptance, 3:6
Interim and conservative relief	Other means and absence of conventions
generally, 3:37	recognition and enforcement of
injunctions and similar emergency measures, 3:37 to 3:41	foreign civil and commercial judgments, 3:93
parallel suits, possible strategies, 3:41 petitions abroad in connection with	service of process abroad to com-
domestic proceedings, 3:38	mence domestic action, 3:24 taking of documentary evidence
petitions in Austria in support of foreign proceedings, 3:39	abroad in support of domestic action, 3:68
property as security device, 3:40 security, 3:40	taking of documentary evidence domestically in support of
Jurisdiction of arbitrators, 3:119	foreign action, 3:62

AUSTRIA—Cont'd AUSTRIA—Cont'd Other means and absence of conventions Pre-judgment attachment, sovereign immunity, 3:104 -Cont'd taking of witness evidence abroad in Principal-agent, admissibility and presupport of domestic action, 3:52, sentation at trial of evidence taken 3:53 domestically or abroad, 3:76 taking of witness evidence domesti-Privileges. Immunities and privileges, cally in support of foreign action, above 3:45 Product liability Parallel proceedings damages recovery in, 3:87 interim and conservative relief, pos-Products liability sible strategies, 3:41 admissibility and presentation at trial obtaining jurisdiction and choice of of evidence taken domestically forum, 3:11 or abroad, 3:78 Party autonomy Property as jurisdictional basis, 3:7 choice of law, 3:13 Property as security device, 3:40 obtaining jurisdiction and choice of Public policy forum, **3:8** damages, 3:89 Personal jurisdiction recognition and enforcement of obtaining jurisdiction and choice of foreign civil and commercial forum, **3:6** judgments, 3:96 sovereign immunity, 3:102 Punitive damages, recognition and Petitions abroad in connection with enforcement of foreign civil and domestic proceedings, 3:38 commercial judgments, 3:96 Petitions domestically in support of Recognition and enforcement of foreign foreign proceedings, 3:39 civil and commercial judgments Post-judgment attachment, sovereign conventions, 3:92 immunity, **3:104** damages, 3:96 Practical problems default judgments, 3:96 appeal and review of transnetional discovery, 3:96 judgments, 3:83 local procedural requirements at place recognition and enforcement of of action, 3:94 foreign civil and commercial multilateral conventions, 3:92 judgments 3:95 other issues affecting enforceability, service of process abroad to commence domestic action, 3:26 other means and absence of convenservice of process domestically to tions, 3:93 commence foreign action, 3:19 practical problems, 3:95 summary judgments and equivalent public policy issues, 3:96 proceedings, 3:34 punitive damages, 3:96 taking of documentary evidence time factors, 3:95 abroad in support of domestic action, 3:69 Recognition and enforcement of judgments against foreign sovereigns, taking of documentary evidence domestically in support of 3:105 Reimbursement for litigation costs, foreign action, 3:63 taking of witness evidence abroad in 3:110 support of domestic action, 3:54 Relevance to later efforts to recognize taking of witness evidence domestiand enforce cally in support of foreign action, appeal and review of transnational

judgments, 3:84

3:46

AUSTRIA—Cont'd	AUSTRIA—Cont'd
Relevance to later efforts to recognize	Service of process abroad to commence
and enforce—Cont'd	domestic action—Cont'd
choice of law, 3:14	relevance to later efforts to recognize
obtaining jurisdiction and choice of forum, 3:10	and enforce at place of judgment, 3:27
service of process abroad to com-	time factors, 3:26
mence domestic action, 3:27	Service of process domestically to com-
service of process domestically to	mence foreign action
commence foreign action, 3:20	generally, 3:15
summary judgments and equivalent proceedings, 3:36	community law, 3:16 conventions, 3:16
taking of documentary evidence	default judgments, 3:21
abroad in support of domestic	local procedural requirements at place
action, 3:70	of action, 3:18
taking of documentary evidence	practical problems, 3:19
domestically in support of	relevance to later efforts to recognize
foreign action, 3:64	and enforce at place of service,
taking of witness evidence abroad in	3:20
support of domestic action, 3:56	time factors, 3:19
taking of witness evidence domesti-	Service of process on foreign
cally in support of foreign action, 3:47	so vereigns, 3:101
Rights of audience in court, 3:3	Setting aside or vacating arbitral award, 3:125
Sale of goods, admissibility and presen-	Settlement and compromise of proceed-
tation at trial of evidence taken	ings
domestically or abroad, 3:74	formalities, 3:98
Schedules, fees, 3:109	kinds of settlement and compromise,
Secrecy laws	3:97
taking of documentary evidence	litigation, effect on, 3:99
domestically in support of	requirements, 3:98
foreign action, 3:60	revision of court settlement, 3:100
taking of witness evidence domesti-	Sovereign immunity
cally in support of foreign action, 3:43	generally, 3:101
Security	aids in enforcement of judgments
costs, security for, 3:106	against foreign sovereigns, 3:104
property as security device, 3:40	enforcement of judgments against foreign sovereigns, 3:104, 3:105
Service of process abroad to commence	injunctive measures against foreign
domestic action	sovereigns, 3:104
generally, 3:22	personal jurisdiction, 3:102
community law, 3:23	post-judgment attachment, 3:104
conventions, 3:23	pre-judgment attachment, 3:104
default judgments, 3:28	recognition and enforcement of judg-
local procedural requirements at place	ments against foreign sovereigns,
of action, 3:25	3:105
other means and absence of conven-	service of process on foreign
tions, 3:24	sovereigns, 3:101
practical problems, 3:26	subject matter jurisdiction, 3:102

AUSTRIA—Cont'd	AUSTRIA—Cont'd
Sovereign immunity—Cont'd	Taking of documentary evidence abroad
taking of evidence against foreign	in support of domestic action
sovereign entities, 3:103	—Cont'd
Standards of burden of proof for dam-	conventions, 3:67
ages recovery, 3:88	other means and absence of conven-
Statement of claim, 3:29	tions, 3:68
Statement of defense, 3:30	practical problems, 3:69
Statutory and other bases	privileges, 3:71
choice of law, 3:12	relevance to later efforts to recognize
obtaining jurisdiction and choice of	and enforce at place of judgment,
forum, 3:6	3:70
Strategic considerations	time factors, 3:69
appeal and review of transnational	Taking of documentary evidence
judgments, 3:84	domestically in support of foreign
summary judgments and equivalent proceedings, 3:35	action
Structure of courts. Court structure,	generally, 3:59
above	admissibility and presentation at trial
Subject matter jurisdiction	of evidence taken domestically
obtaining jurisdiction and choice of	or abroad, above
forum, 3:6	attorney-client privilege, 3:65
sovereign immunity, 3:102	attorney work product privilege, 3:65
Substantive and practical overview of	blocking statutes, 3:60
key distinguishing issues in	conventions, 3:61
Austria, 3:1	discovery, when and from whom,
Substantive issues	3:60
choice of law, 3:12	other means and absence of conven-
summary judgments and equivalent	tions, 3:62
proceedings, 3:33	practical problems, 3:63
Summary judgments and equivalent	privileges, 3:65
proceedings	relevance to later efforts to recognize
practical problems, 3:34	and enforce at place of service, 3:64
procedural requirements, 3:32	secrecy laws, 3:60
relevance to later efforts to recognize	time factors, 3:63
and enforce, 3:36	Taking of witness evidence abroad in
strategic considerations, 3:35	support of domestic action
substantive requirements, 3:33	generally, 3:50
time factors, 3:34	•
Table of Authorities, App 3B	admissibility and presentation at trial of evidence taken domestically
Table of Cases, App 3C	or abroad, above
Taking of documentary evidence abroad	attorney client privilege, 3:58
in support of domestic action	conventions, 3:51
generally, 3:66	
admissibility and presentation at trial	expert evidence, special issues, 3:57
of evidence taken domestically	other means and absence of conven-
or abroad, above	tions, 3:52, 3:53
attorney-client privilege, 3:71	practical problems, 3:54
attorney work produce privilege, 3:71	privileges, 3:58

AUSTRIA—Cont'd AUSTRIA—Cont'd Taking of witness evidence abroad in Time factors—Cont'd taking of documentary evidence support of domestic action —Cont'd domestically in support of foreign action, 3:63 relevance to later efforts to recognize and enforce at place of judgment, taking of witness evidence abroad in 3:56 support of domestic action, 3:54 time factors, 3:54 taking of witness evidence domesti-Taking of witness evidence domestically cally in support of foreign action, in support of foreign action 3:46 generally, 3:42 Tort action admissibility and presentation at trial admissibility and presentation at trial of evidence taken domestically of evidence taken domestically or abroad, above or abroad, 3:77 attorney-client privilege, 3:49 damages recovery in, 3:87 blocking statutes, 3:43 Treaty Establishing European Community (consolidated version, as of conventions, 3:44 1/1/2002), App 3E discovery, when and from whom, UNCITRAL model law on international 3:43 commercial arbitration, 3:115 expert evidence, special issues, 3:48 Vacating arbitral award, 3:125 other means and absence of conven-Witness evidence tions, 3:45 practical problems, 3:46 taking of witness evidence abroad in support of domestic action, privileges, 3:49 above relevance to later efforts to recognize taking of witness evidence domestiand enforce at place of service, cally in support of foreign action, 3:47 above secrecy laws, 3:43 time factors, 3:46 **AWARDS** Time factors Cuba (this index) adjudication, time horizon and influencing factors, 3:4 BANKRUPTCY appeal and review of transnational Brazil, recognition and enforcement of judgments, 3:83 foreign bankruptcy judgment, 5:95 arbitration award, time limit to issue, BAR ASSOCIATION 3:123 United Arab Emirates, 28:3 recognition and enforcement of foreign civil and commercial **BELGIUM** judgments, 3:95 Generally, 4:1 to 4:92 service of process abroad to com-Ab initio objection to jurisdiction, 4:11 mence domestic action, 3:26 Admissibility and presentation at trial of service of process domestically to evidence taken domestically or commence foreign action, 3:19 abroad summary judgments and equivalent general commercial, 4:48 proceedings, 3:34 general requirements and practices, taking of documentary evidence abroad in support of domestic action, 3:69 Answer or statement of defense, 4:29

SELGIUM—Cont'd	BELGIUM—Cont'a
Appeal and review of transnational	Bilateral conventions and agreements,
judgments	service of process domestically to
generally, 4:49	commence foreign action, 4:18
conclusiveness and finality of judg-	Blocking statutes, taking of witness evi-
ments, generally, 4:50	dence domestically in support of
practical problems, 4:52	foreign proceedings, 4:36
procedural and substantive issues,	Challenges to jurisdiction, 4:10
4:51	Choice of forum clauses, 4:9
strategic considerations, 4:52	Choice of law
substantive issues, 4:51	choice of law clauses, 4:14
time factors, 4:52	foreign substantive law, bases for
Appeal of arbitrator's decision, 4:89	application, 4:13
Arbitration	party autonomy, 4:14
generally, 4:77	relevance to later efforts to recognize
appeal of arbitrator's decision, 4:89	and enforce, 4:15
confidentiality, 4:85	statutory and other bases for applica-
	tion of foreign substantive law,
duties of arbitrators, 4:87	4:13
enforcement of agreement to arbitrate,	Civil and commercial judgments. Rec-
4:83	ognition and enforcement of
enforcement of awards made outside	foreign civil and commercial judg-
Belgium, 4:91	ments, below
institutional arbitration, 4:78	Commencement of suit
institutions, 4:92	answer or statement of defense, 4:29
jurisdiction of arbitrators, 4:84	complaint or statement of claim, 4:28
preliminary relief, 4:86	first hearing, 4:30
qualifications of arbitrators, 4:81	fixing of date for hearing for presenta
rights of representation, 4:82	tion of oral arguments, 4:30
setting aside or vacating arbitral	form of answer or statement of
award, 4:90 • \\	defence, 4:29
statute, 4:79	form of complaint or statement of
time limit to issue award, 4:88	claim, 4:28
UNCITRAL model law, 4:80	hearing for presentation of oral argu-
Attachment	ments, 4:30
post-judgment attachment, sovereign	oral arguments, 4:30
immunity, 4:71	statement of defence, 4:29
pre-judgment attachment, sovereign	strategic consideration, complaint or
immunity, 4:71	statement of claim, 4:28
Attorney-client privilege	strategic considerations for answer or
taking of witness evidence domesti-	statement of defence, 4:29
cally in support of foreign	substance and content of answer or
proceedings, 4:41	statement of defence, 4:29
Attorney fees, 4:76	substance and content of complaint o
Attorney work product privilege	statement of claim, 4:28
taking of witness evidence domesti-	written pleadings, 4:30 Complaint or statement of claim, 4:38
cally in support of foreign	Complaint or statement of claim, 4:28 Compromise of proceedings. Settlemen
proceedings, 4:41	and compromise of proceedings,
Audience in court, rights, 4:5	below
1 100101100 111 00011, 1151110, 110	0010 11

Conclusiveness and finality of judgments, generally, 4:50 Confidentiality of arbitration proceedings, 4:85 Content answer or statement of defence, 4:29 complaint or statement of claim, 4:28 Contingent fees, 4:76 Contract, acceptable kinds of damages recovery in, 4:55 Conventions recognition and enforcement of foreign civil-commercial judgments, 4:62 service of process abroad to commence domestic action, 4:17, 4:18 taking of witness evidence abroad in support of domestic action, 4:43 taking of witness evidence domestically in support of foreign proceedings, 4:37 Costs and fees generally, 4:73 autorney fees, 4:76 contingent fees, 4:76 contingent fees, 4:76 contract, 4:45 foreign covery, 4:58 correct of process abroad to commence domestic action, 4:47, 4:18 In the proceedings of burden of proof for recovery, 4:58 tort action, damages recovery in, 4:57 Default judgments service of process abroad to commence foreign action, 4:22 Discovery, taking of witness evidence domestically in support of foreign proceedings, 4:36 Documentary evidence taking of witness evidence domestically in support of foreign proceedings, 4:37 Costs and fees generally, 4:73 attorney fees, 4:76 contingent fees, 4:76 contract, 4:75 security for costs, 4:73 Court structure adjudication, time horizon and influencing factors, 4:6 audience rights, 4:5 foreign co-counsel, role, 4:5 general structure, 4:4 Currency conversion, damages recovery, 4:60 Damages generally, 4:54 acceptable kinds of damages recovery in 4:57 Tofault judgments service of process abroad to commence domestically in support of foreign proceedings, 4:37 Documentary evidence taking of witness evidence abroad in support of domestic action, 4:48 Enforcement of judgments against foreign sovereigns, 4:71 Evidence damages recovery, standards of burden of proof, 4:58 taking of witness evidence domestically in support of domestic action, 4:43 Enforcement of judgments against foreign sovereigns, 4:70 taking of documentary evidence abroad in support of domestic action, 4:45 taking	BELGIUM—Cont'd	BELGIUM—Cont'd
ments, generally, 4:50 Confidentiality of arbitration proceedings, 4:85 Content answer or statement of defence, 4:29 complaint or statement of claim, 4:28 Contingent fees, 4:76 Contract, acceptable kinds of damages recovery in, 4:57 Conventions recognition and enforcement of foreign civil-commercial judgments, 4:62 service of process abroad to commence domestic action, 4:24 service of process domestically to commence foreign action, 4:17, 4:18 taking of witness evidence abroad in support of domestic action, 4:45 taking of witness evidence domestic actly in support of foreign proceedings, 4:37 Costs and fees generally, 4:73 attorney fees, 4:76 contingent fees, 4:76 contingent fees, 4:76 contingent fees, 4:76 contingent fees, 4:76 contractual bases, damages recovery in, 4:57 product liability, damages recovery in, 4:57 public policy constraints, 4:59 standards of burden of proof for recovery, 4:58 tort action, damages recovery in, 4:57 Default judgments service of process abroad to commence domestic action, 4:22 Discovery, taking of witness evidence domestically in support of foreign proceedings, 4:36 Documentary evidence along of witness evidence domestic action, 4:46 Liking of documentary evidence domestically in support of foreign action, 4:45 Enforcement of agreement to arbitrate, 4:83 Enforcement of agreement to arbitration awards made outside Belgium, 4:91 Enforcement of judgments against foreign sovereigns, 4:71, 4:72 Enforcement of judgments against foreign sovereigns, 4:71, 4:72 Enforcement of judgments against foreign sovereigns, 4:74 fore schedules, 4:55 foreign oc-counsel, role, 4:5 general structure, 4:4 Currency conversion, damages recovery, standards of burden of proof, 4:58 taking of documentary evidence domestically in support of domestic action, 4:45 taking of documentary evidence domestically in support of domestic action, 4:45 taking of documentary evidence domestically in support of foreign action, 4:45 taking of documentary evidence domestically in support of foreign action, 4:45 taking of d		
Confidentiality of arbitration proceedings, 4:85 Content answer or statement of defence, 4:29 complaint or statement of claim, 4:28 Contingent fees, 4:76 Contract, acceptable kinds of damages recovery in, 4:55 Conventions recognition and enforcement of foreign civil-commercial judgments, 4:62 service of process abroad to commence domestic action, 4:24 service of process domestically to commence foreign action, 4:17, 4:18 taking of witness evidence abroad in support of domestic action, 4:43 taking of witness evidence abroad in support of domestic action, 4:43 taking of witness evidence domestic action, 4:45 contract, 4:75 security for costs, 4:76 contract, 4:75 security for costs, 4:75 interest, 4:75 security for costs, 4:75 interest, 4:75 security for costs, 4:73 Court structure adjudication, time horizon and influencing factors, 4:6 audience rights, 4:5 foreign oc-counsel, role, 4:5 general structure, 4:4 Currency conversion, damages recovery in contract, 4:55 currency conversion, damages recovery in contract, 4:55 currency conversion, 4:60 lost profits damages, specific issues,		•
ings, 4:85 Content answer or statement of defence, 4:29 complaint or statement of claim, 4:28 Contingent fees, 4:76 Contract, acceptable kinds of damages recovery in, 4:55 Conventions recognition and enforcement of foreign civil-commercial judgments, 4:62 service of process abroad to commence domestic action, 4:24 service of process domestically to commence foreign action, 4:17, 4:18 taking of witness evidence abroad in support of domestic action, 4:43 taking of witness evidence domestically in support of foreign proceedings, 4:37 Costs and fees generally, 4:73 attorney fees, 4:76 contingent fees, 4:76 contract, 4:55 foreign co-counsel, role, 4:5 general structure, 4:4 Currency conversion, damages recovery, 4:60 Damages generally, 4:54 acceptable kinds of damages recovery in contract, 4:55 currency conversion, 4:60 lost profits damages, specific issues,		
Content answer or statement of defence, 4:29 complaint or statement of claim, 4:28 Contingent fees, 4:76 Contract, acceptable kinds of damages recovery in, 4:55 Conventions recognition and enforcement of foreign civil-commercial judgments, 4:62 service of process abroad to commence domestic action, 4:24 service of process domestically to commence foreign action, 4:17, 4:18 taking of witness evidence abroad in support of domestic action, 4:43 taking of witness evidence domestically in support of foreign proceedings, 4:37 Costs and fees generally, 4:73 attorney fees, 4:76 court costs, 4:74 fee schedules, 4:76 contract, 4:55 foreign co-counsel, role, 4:5 general structure adjudication, time horizon and influencing factors, 4:6 audience rights, 4:5 foreign co-counsel, role, 4:5 general structure, 4:4 Currency conversion, damages recovery, 4:60 Damages generally, 4:54 acceptable kinds of damages recovery in contract, 4:55 currency conversion, 4:60 lost profits damages, specific issues,		
complaint or statement of claim, 4:28 Contingent fees, 4:76 Contract, acceptable kinds of damages recovery in, 4:55 Conventions recognition and enforcement of foreign civil-commercial judgments, 4:62 service of process abroad to commence domestic action, 4:24 service of process domestically to commence foreign action, 4:17, 4:18 taking of witness evidence abroad in support of domestic action, 4:43 taking of witness evidence domestically in support of foreign proceedings, 4:37 Costs and fees generally, 4:73 attorney fees, 4:76 contingent fees, 4:76 contract, 4:55 foreign co-counsel, role, 4:5 general structure, 4:4 Currency conversion, damages recovery, 4:60 Damages generally, 4:54 acceptable kinds of damages recovery in contract, 4:55 currency conversion, 4:60 lost profits damages, specific issues,		
Contingent fees, 4:76 Contract, acceptable kinds of damages recovery in, 4:55 Conventions recognition and enforcement of foreign civil-commercial judgments, 4:62 service of process abroad to commence domestic action, 4:24 service of process abroad to commence domestic action, 4:17, 4:18 taking of witness evidence abroad in support of domestic action, 4:43 taking of witness evidence domestically in support of foreign proceedings, 4:37 Costs and fees generally, 4:73 attorney fees, 4:76 contract, 4:75 security for costs, 4:73 Court structure adjudication, time horizon and influencing factors, 4:6 audience rights, 4:5 foreign co-counsel, role, 4:5 general structure, 4:4 Currency conversion, damages recovery, 4:60 Damages generally, 4:54 acceptable kinds of damages recovery in contract, 4:55 currency conversion, 4:60 lost profits damages, specific issues,	answer or statement of defence, 4:29	public policy constraints, 4:59
Contingent fees, 4:76 Contract, acceptable kinds of damages recovery in, 4:55 Conventions recognition and enforcement of foreign civil-commercial judgments, 4:62 service of process abroad to commence domestic action, 4:24 service of process abroad to commence domestic action, 4:17, 4:18 taking of witness evidence abroad in support of domestic action, 4:43 taking of witness evidence domestically in support of foreign proceedings, 4:37 Costs and fees generally, 4:73 attorney fees, 4:76 contract, 4:75 security for costs, 4:73 Court structure adjudication, time horizon and influencing factors, 4:6 audience rights, 4:5 foreign co-counsel, role, 4:5 general structure, 4:4 Currency conversion, damages recovery, 4:60 Damages generally, 4:54 acceptable kinds of damages recovery in contract, 4:55 currency conversion, 4:60 lost profits damages, specific issues,	complaint or statement of claim, 4:28	standards of burden of proof for
Contract, acceptable kinds of damages recovery in, 4:57 Conventions recognition and enforcement of foreign civil-commercial judgments, 4:62 service of process abroad to commence domestic action, 4:24 service of process abroad to commence domestic action, 4:24 service of process abroad to commence foreign action, 4:24 service of process domestically to commence foreign action, 4:24 service of process domestically to commence foreign action, 4:24 service of process domestically to commence foreign action, 4:25 service of process domestically to commence foreign action, 4:22 Discovery, taking of witness evidence domestically in support of foreign proceedings, 4:36 Documentary evidence taking of documentary evidence action, 4:46 taking of witness evidence domestically in support of domestic action, 4:46 taking of documentary evidence domestically in support of foreign action, 4:45 Enforcement of agreement to arbitrate, 4:83 Enforcement of agreement to arbitrate, 4:83 Enforcement of judgments against foreign sovereigns, 4:71, 4:72 Enforcement of judgments against foreign sovereigns, 4:71, 4:72 Enforcement of agreement to arbitrate, 4:83 Enforcement of judgments against foreign action, 4:45 exceptable kinds of damages recovery, 4:60 Damages generally, 4:54 acceptable kinds of damages recovery in contract, 4:55 currency conversion, 4:60 lost profits damages, specific issues,	_	
recovery in, 4:55 Conventions recognition and enforcement of foreign civil-commercial judgments, 4:62 service of process abroad to commence domestic action, 4:24 service of process domestically to commence foreign action, 4:17, 4:18 taking of witness evidence abroad in support of domestic action, 4:43 taking of witness evidence domestically in support of domestic action, 4:43 taking of witness evidence domestically in support of domestic action, 4:43 taking of witness evidence domestically in support of domestic action, 4:46 Court costs, 4:76 contingent fees, 4:76 court costs, 4:74 fee schedules, 4:76 interest, 4:75 security for costs, 4:73 Court structure adjudication, time horizon and influencing factors, 4:6 audience rights, 4:5 foreign co-counsel, role, 4:5 general structure, 4:4 Currency conversion, damages recovery, 4:60 Damages generally, 4:54 acceptable kinds of damages recovery in contract, 4:55 currency conversion, 4:60 lost profits damages, specific issues,		tort action, damages recovery in, 4:57
service of process abroad to commence domestic action, 4:27 service of process abroad to commence domestic action, 4:24 service of process abroad to commence domestic action, 4:24 service of process abroad to commence domestic action, 4:24 service of process abroad to commence domestic action, 4:24 service of process abroad to commence domestic action, 4:24 service of process abroad to commence domestic action, 4:25 service of process domestically to commence foreign action, 4:26 service of process domestically to commence foreign action, 4:22 Discovery, taking of witness evidence domestically in support of foreign proceedings, 4:36 Documentary evidence taking of documentary evidence domestically in support of foreign action, 4:45 Enforcement of agreement to arbitrate, 4:83 Enforcement of agreement to arbitrate, 4:83 Enforcement of judgments against foreign sovereigns, 4:71, 4:72 Enforcement of judgments against foreign sovereigns, 4:71, 4:72 Enforcement of judgments against foreign sovereign action, 4:45 taking of documentary evidence abroad in support of domestic action, below taking of documentary evidence abroad in support of domestic action, below taking of evidence against foreign sovereign action, 4:45 taking of documentary evidence domestically in support of domestic action, below taking of documentary evidence abroad in support of domestic action, below taking of documentary evidence abroad in support of domestic action, below taking of documentary evidence abroad in support of domestic action, below taking of documentary evidence abroad in support of domestic action, below taking of documentary evidence abroad in support of domestic action, below taking of documentary evidence abroad in support of domestic action, 4:45 taking of documentary evidence domestically in support of domestic action, 4:45 taking of documentary evidence abroad in support of domestic action, 4:45 taking of documentary evidence abroad in support of domestic action, 4:45 taking of documentary evidence abroad in support		Default judgments
recognition and enforcement of foreign civil-commercial judgments, 4:62 service of process abroad to commence domestic action, 4:24 service of process domestically to commence foreign action, 4:17, 4:18 taking of witness evidence abroad in support of domestic action, 4:43 taking of witness evidence domestically in support of foreign proceedings, 4:37 Costs and fees generally, 4:73 attorney fees, 4:76 court costs, 4:74 fee schedules, 4:76 interest, 4:75 security for costs, 4:73 Court structure adjudication, time horizon and influencing factors, 4:6 audience rights, 4:5 foreign co-counsel, role, 4:5 general structure, 4:4 Currency conversion, damages recovery, 4:60 Damages generally, 4:54 acceptable kinds of damages recovery in contract, 4:55 currency conversion, 4:60 lost profits damages, specific issues,		service of process abroad to com-
service of process abroad to commence domestic action, 4:24 service of process domestically to commence foreign action, 4:24 service of process domestically to commence foreign action, 4:24 service of process domestically to commence foreign action, 4:24 service of process domestically to commence foreign action, 4:24 service of process domestically to commence foreign action, 4:24 service of process domestically to commence domestic action, 4:18 taking of witness evidence abroad in support of domestic action, 4:43 taking of witness evidence domestically in support of domestic action, 4:46 taking of witness evidence domestically in support of domestic action, 4:46 taking of documentary evidence domestically in support of foreign action, 4:45 Enforcement of arbitration awards made outside Belgium, 4:91 Enforcement of judgments against foreign sovereigns, 4:71, 4:72 Enforcement of ju	recognition and enforcement of	
ments, 4:62 service of process abroad to commence domestic action, 4:24 service of process domestically to commence foreign action, 4:17, 4:18 taking of witness evidence abroad in support of domestic action, 4:43 taking of witness evidence domestically in support of domestic action, 4:43 taking of witness evidence domestically in support of domestic action, 4:43 taking of witness evidence domestically in support of domestic action, 4:45 Costs and fees generally, 4:73 attorney fees, 4:76 court costs, 4:76 interest, 4:75 security for costs, 4:73 Court structure adjudication, time horizon and influencing factors, 4:6 audience rights, 4:5 foreign co-counsel, role, 4:5 general structure, 4:4 Currency conversion, damages recovery, 4:60 Damages generally, 4:54 acceptable kinds of damages recovery in contract, 4:55 currency conversion, 4:60 lost profits damages, specific issues,		service of process domestically to
mence domestic action, 4:24 service of process domestically to commence foreign action, 4:17, 4:18 taking of witness evidence abroad in support of domestic action, 4:43 taking of witness evidence domestic cally in support of foreign proceedings, 4:37 Costs and fees generally, 4:73 attorney fees, 4:76 court costs, 4:74 fee schedules, 4:76 interest, 4:75 security for costs, 4:73 Court structure adjudication, time horizon and influencing factors, 4:6 audience rights, 4:5 foreign co-counsel, role, 4:5 general structure, 4:4 Currency conversion, damages recovery, 4:60 Damages generally, 4:54 acceptable kinds of damages recovery in contract, 4:55 currency conversion, 4:60 lost profits damages, specific issues,		commence foreign action, 4:22
service of process domestically to commence foreign action, 4:17, 4:18 taking of witness evidence abroad in support of domestic action, 4:43 taking of witness evidence domestically in support of foreign proceedings, 4:37 Costs and fees generally, 4:73 attorney fees, 4:76 court costs, 4:74 fee schedules, 4:76 interest, 4:75 security for costs 4:73 Court structure adjudication, time horizon and influencing factors, 4:6 audience rights, 4:5 foreign co-counsel, role, 4:5 general structure, 4:4 Currency conversion, damages recovery, 4:60 Damages generally, 4:54 acceptable kinds of damages recovery in contract, 4:55 currency conversion, 4:60 lost profits damages, specific issues,	service of process abroad to com-	
commence foreign action, 4:17, 4:18 taking of witness evidence abroad in support of domestic action, 4:43 taking of witness evidence domestic action, 4:43 taking of witness evidence domestic action, 4:45 taking of witness evidence domestic action, 4:45 Costs and fees generally, 4:73 attorney fees, 4:76 court costs, 4:74 fee schedules, 4:76 interest, 4:75 security for costs 4:73 Court structure adjudication, time horizon and influencing factors, 4:6 audience rights, 4:5 foreign co-counsel, role, 4:5 general structure, 4:4 Currency conversion, damages recovery 4:60 Damages generally, 4:54 acceptable kinds of damages recovery in contract, 4:55 currency conversion, 4:60 lost profits damages, specific issues,	mence domestic action, 4:24	
taking of witness evidence abroad in support of domestic action, 4:43 taking of witness evidence domestic cally in support of foreign proceedings, 4:37 Costs and fees generally, 4:73 attorney fees, 4:76 court costs, 4:74 fee schedules, 4:76 interest, 4:75 security for costs 4:73 Court structure adjudication, time horizon and influencing factors, 4:6 audience rights, 4:5 foreign co-counsel, role, 4:5 general structure, 4:4 Currency conversion, damages recovery 4:60 Damages generally, 4:54 acceptable kinds of damages recovery in contract, 4:55 currency conversion, 4:60 lost profits damages, specific issues,		
taking of witness evidence abroad in support of domestic action, 4:43 taking of witness evidence domestic action, 4:43 taking of witness evidence domestic action, 4:45 Costs and fees generally, 4:73 attorney fees, 4:76 court costs, 4:74 fee schedules, 4:76 interest, 4:75 security for costs 4:73 Court structure adjudication, time horizon and influencing factors, 4:6 audience rights, 4:5 foreign co-counsel, role, 4:5 general structure, 4:4 Currency conversion, damages recovery, 4:60 Damages generally, 4:54 acceptable kinds of damages recovery in contract, 4:55 currency conversion, 4:60 lost profits damages, specific issues,		
support of domestic action, 4:43 taking of witness evidence domestically in support of foreign proceedings, 4:37 Costs and fees generally, 4:73 attorney fees, 4:76 court costs, 4:74 fee schedules, 4:76 interest, 4:75 security for costs, 4:73 Court structure adjudication, time horizon and influencing factors, 4:6 audience rights, 4:5 foreign co-counsel, role, 4:5 general structure, 4:4 Currency conversion, damages recovery, 4:60 Damages generally, 4:54 acceptable kinds of damages recovery in contract, 4:55 currency conversion, 4:60 lost profits damages, specific issues,		
taking of witness evidence domestically in support of foreign proceedings, 4:37 Costs and fees generally, 4:73 attorney fees, 4:76 court costs, 4:74 fee schedules, 4:76 interest, 4:75 security for costs, 4:6 audience rights, 4:5 foreign co-counsel, role, 4:5 general structure, 4:4 Currency conversion, damages recovery, 4:60 Damages generally, 4:54 acceptable kinds of damages recovery in contract, 4:55 currency conversion, 4:60 lost profits damages, specific issues,		
cally in support of foreign proceedings, 4:37 Costs and fees generally, 4:73 attorney fees, 4:76 court costs, 4:76 court costs, 4:76 interest, 4:75 security for costs, 4:73 Court structure adjudication, time horizon and influencing factors, 4:6 audience rights, 4:5 foreign co-counsel, role, 4:5 general structure, 4:4 Currency conversion, damages recovery, 4:60 Damages generally, 4:54 acceptable kinds of damages recovery in contract, 4:55 currency conversion, 4:60 lost profits damages, specific issues,		
foreign action, 4:45 Costs and fees generally, 4:73 attorney fees, 4:76 court costs, 4:74 fee schedules, 4:75 interest, 4:75 security for costs 4:73 Court structure adjudication, time horizon and influencing factors, 4:6 audience rights, 4:5 foreign co-counsel, role, 4:5 general structure, 4:4 Currency conversion, damages recovery, 4:60 Damages generally, 4:54 acceptable kinds of damages recovery in contract, 4:55 currency conversion, 4:60 lost profits damages, specific issues,		
Costs and fees generally, 4:73 attorney fees, 4:76 court costs, 4:74 fee schedules, 4:75 interest, 4:75 security for costs, 4:73 Court structure adjudication, time horizon and influencing factors, 4:6 audience rights, 4:5 foreign co-counsel, role, 4:5 general structure, 4:4 Currency conversion, damages recovery, 4:60 Damages generally, 4:54 acceptable kinds of damages recovery in contract, 4:55 currency conversion, 4:60 lost profits damages, specific issues,		
4:83 attorney fees, 4:76 contingent fees, 4:76 court costs, 4:74 fee schedules, 4:75 interest, 4:75 security for costs, 4:73 Court structure adjudication, time horizon and influencing factors, 4:6 audience rights, 4:5 foreign co-counsel, role, 4:5 general structure, 4:4 Currency conversion, damages recovery, 4:60 Damages generally, 4:54 acceptable kinds of damages recovery in contract, 4:55 currency conversion, 4:60 lost profits damages, specific issues, 4:83 Enforcement of arbitration awards made outside Belgium, 4:91 Enforcement of judgments against foreign sovereigns, 4:71, 4:72 Enforcement of judgments against foreign sovereigns, 4:11 Evidence damages recovery, standards of burden of proof, 4:58 taking of documentary evidence abroad in support of domestic action, below taking of documentary evidence domestically in support of foreign action, below, 4:45 taking of evidence against foreign sovereign entities, 4:70 taking of witness evidence abroad in support of domestic action,	Continue 1 Con	_
fee schedules, 4:76 interest, 4:75 security for costs 4:73 Court structure adjudication, time horizon and influencing factors, 4:6 audience rights, 4:5 foreign co-counsel, role, 4:5 general structure, 4:4 Currency conversion, damages recovery, 4:60 Damages generally, 4:54 acceptable kinds of damages recovery in contract, 4:55 currency conversion, 4:60 lost profits damages, specific issues,	costs and rees	<u> </u>
fee schedules, 4:76 interest, 4:75 security for costs 4:73 Court structure adjudication, time horizon and influencing factors, 4:6 audience rights, 4:5 foreign co-counsel, role, 4:5 general structure, 4:4 Currency conversion, damages recovery, 4:60 Damages generally, 4:54 acceptable kinds of damages recovery in contract, 4:55 currency conversion, 4:60 lost profits damages, specific issues,	attorney fees 4.76	Enforcement of arbitration awards made
fee schedules, 4:76 interest, 4:75 security for costs 4:73 Court structure adjudication, time horizon and influencing factors, 4:6 audience rights, 4:5 foreign co-counsel, role, 4:5 general structure, 4:4 Currency conversion, damages recovery, 4:60 Damages generally, 4:54 acceptable kinds of damages recovery in contract, 4:55 currency conversion, 4:60 lost profits damages, specific issues,	contingent fees 4.76	
fee schedules, 4:76 interest, 4:75 security for costs 4:73 Court structure adjudication, time horizon and influencing factors, 4:6 audience rights, 4:5 foreign co-counsel, role, 4:5 general structure, 4:4 Currency conversion, damages recovery, 4:60 Damages generally, 4:54 acceptable kinds of damages recovery in contract, 4:55 currency conversion, 4:60 lost profits damages, specific issues,	court costs 4.74	Enforcement of judgments against
interest, 4:75 security for costs 4:73 Court structure adjudication, time horizon and influencing factors, 4:6 audience rights, 4:5 foreign co-counsel, role, 4:5 general structure, 4:4 Currency conversion, damages recovery, 4:60 Damages generally, 4:54 acceptable kinds of damages recovery in contract, 4:55 currency conversion, 4:60 lost profits damages, specific issues,		foreign sovereigns, 4:71, 4:72
Security for costs 4:73 Court structure adjudication, time horizon and influencing factors, 4:6 audience rights, 4:5 foreign co-counsel, role, 4:5 general structure, 4:4 Currency conversion, damages recovery, 4:60 Damages Damages generally, 4:54 acceptable kinds of damages recovery in contract, 4:55 currency conversion, 4:60 lost profits damages, specific issues,		Enforcement of jurisdiction, 4:11
Court structure adjudication, time horizon and influencing factors, 4:6 audience rights, 4:5 foreign co-counsel, role, 4:5 general structure, 4:4 Currency conversion, damages recovery, 4:60 Damages generally, 4:54 acceptable kinds of damages recovery in contract, 4:55 currency conversion, 4:60 lost profits damages, specific issues, damages recovery, standards of burden of proof, 4:58 taking of documentary evidence abroad in support of domestic action, below taking of documentary evidence abroad in support of foreign action, below, 4:45 taking of documentary evidence abroad in support of foreign action, below, 4:45 taking of evidence against foreign sovereign entities, 4:70 taking of witness evidence abroad in support of domestic action,		Evidence
adjudication, time horizon and influencing factors, 4:6 audience rights, 4:5 foreign co-counsel, role, 4:5 general structure, 4:4 Currency conversion, damages recovery, 4:60 Damages generally, 4:54 acceptable kinds of damages recovery in contract, 4:55 currency conversion, 4:60 lost profits damages, specific issues, burden of proof, 4:58 taking of documentary evidence abroad in support of domestic action, 4:45, 4:46 taking of documentary evidence abroad in support of domestic action, below taking of documentary evidence domestically in support of foreign action, below, 4:45 taking of evidence against foreign sovereign entities, 4:70 taking of witness evidence abroad in support of domestic action,	· · · · · · · · · · · · · · · · · · ·	
influencing factors, 4:6 audience rights, 4:5 foreign co-counsel, role, 4:5 general structure, 4:4 Currency conversion, damages recovery, 4:60 Damages generally, 4:54 acceptable kinds of damages recovery in contract, 4:55 currency conversion, 4:60 lost profits damages, specific issues, taking of documentary evidence action, 4:45, 4:46 taking of documentary evidence action, below taking of documentary evidence abroad in support of domestic action, below taking of documentary evidence abroad in support of domestic action, below taking of documentary evidence abroad in support of domestic action, below taking of documentary evidence abroad in support of domestic action, below taking of documentary evidence abroad in support of domestic action, below taking of evidence against foreign sovereign entities, 4:70 taking of documentary evidence abroad in support of domestic action, support o		
audience rights, 4:5 foreign co-counsel, role, 4:5 general structure, 4:4 Currency conversion, damages recovery, 4:60 Damages generally, 4:54 acceptable kinds of damages recovery in contract, 4:55 currency conversion, 4:60 lost profits damages, specific issues, action, 4:45, 4:46 taking of documentary evidence abroad in support of domestic action, below taking of documentary evidence domestically in support of foreign action, below, 4:45 taking of evidence against foreign sovereign entities, 4:70 taking of witness evidence abroad in support of domestic		
foreign co-counsel, role, 4:5 general structure, 4:4 Currency conversion, damages recovery, 4:60 Damages generally, 4:54 acceptable kinds of damages recovery in contract, 4:55 currency conversion, 4:60 lost profits damages, specific issues, taking of documentary evidence abroad in support of domestic action, below taking of documentary evidence domestically in support of foreign action, below, 4:45 taking of evidence against foreign sovereign entities, 4:70 taking of witness evidence abroad in support of domestic action,	_	
general structure, 4:4 Currency conversion, damages recovery, 4:60 Damages generally, 4:54 acceptable kinds of damages recovery in contract, 4:55 currency conversion, 4:60 lost profits damages, specific issues, taking of documentary evidence action, below taking of documentary evidence domestically in support of foreign action, below, 4:45 taking of evidence against foreign sovereign entities, 4:70 taking of witness evidence abroad in support of domestic	_	
Currency conversion, damages recovery, 4:60 Damages generally, 4:54 acceptable kinds of damages recovery in contract, 4:55 currency conversion, 4:60 lost profits damages, specific issues, action, below taking of documentary evidence domestically in support of foreign action, below, 4:45 taking of evidence against foreign sovereign entities, 4:70 taking of witness evidence abroad in support of domestic		
4:60 Damages generally, 4:54 acceptable kinds of damages recovery in contract, 4:55 currency conversion, 4:60 lost profits damages, specific issues, taking of documentary evidence domestically in support of foreign action, below, 4:45 taking of evidence against foreign sovereign entities, 4:70 taking of witness evidence abroad in support of domestic action,		
Damages generally, 4:54 acceptable kinds of damages recovery in contract, 4:55 currency conversion, 4:60 lost profits damages, specific issues, domestically in support of foreign action, below, 4:45 taking of evidence against foreign sovereign entities, 4:70 taking of witness evidence abroad in support of domestic action,		
generally, 4:54 acceptable kinds of damages recovery in contract, 4:55 currency conversion, 4:60 lost profits damages, specific issues, foreign action, below, 4:45 taking of evidence against foreign sovereign entities, 4:70 taking of witness evidence abroad in support of domestic action,	Damages	
acceptable kinds of damages recovery in contract, 4:55 taking of evidence against foreign sovereign entities, 4:70 taking of witness evidence abroad in lost profits damages, specific issues, support of domestic action,		
in contract, 4:55 currency conversion, 4:60 lost profits damages, specific issues, sovereign entities, 4:70 taking of witness evidence abroad in support of domestic action,		_
currency conversion, 4:60 taking of witness evidence abroad in lost profits damages, specific issues, support of domestic action,		
lost profits damages, specific issues, support of domestic action,	currency conversion, 4:60	
	lost profits damages, specific issues,	

BELGIUM—Cont'd BELGIUM-Cont'd Evidence—Cont'd Obtaining jurisdiction and choice of forum-Cont'd taking of witness evidence domestically in support of foreign action, parallel proceedings, 4:12 below party autonomy, 4:9 Expert evidence, taking of witness evipersonal jurisdiction, basis for accepdence domestically in support of tance, 4:7 foreign proceedings, 4:40 property as jurisdictional basis, 4:8 Fees. Costs and fees, above relevance to later efforts to recognize Fee schedules, **4:76** and enforce, 4:11 Foreign co-counsel, role, 4:5 statutory and other bases, 4:7 subject matter jurisdiction, basis for answer or statement of defence, 4:29 acceptance, 4:7 complaint or statement of claim, 4:28 Other means and absence of conventions Forum non conveniens and equivalent recognition and enforcement of notions, 4:10 foreign civil-commercial judg-General commercial, admissibility and ments, 4:63 presentation at trial of evidence service of process abroad to comtaken domestically or abroad, 4:48 mence domestic action, 4:25 Immunities and privileges taking of witness evidence abroad in sovereign immunity, below support of domestic action, 4:44 taking of witness evidence domestitaking of witness evidence domestically in support of foreign cally in support of foreign proceedings, 4:41 proceedings, 4:38 Injunctions and similar emergency Parallel proceedings, obtaining jurisdicmeasures tion and choice of forum, 4:12 against foreign sovereigns, 4:71 Party autonomy summary judgments and equivalent choice of law, 4:14 proceedings, 4:33 obtaining jurisdiction and choice of Interest, costs and fees, 4:75 forum, 4:9 International arbitration. Arbitration. Personal jurisdiction above obtaining jurisdiction and choice of Jurisdiction of arbitrators, 4:84 forum, 4:8 Local procedural requirements at place sovereign immunity, 4:69 of action, **4:20** Petitions abroad, in connection with Lost profits damages, specific issues, domestic proceedings, 4:33 4:56 Petitions domestically, in support of Non-contractual bases, damages foreign proceedings, 4:34 recovery in, 4:57 Post-judgment attachment, sovereign Obtaining jurisdiction and choice of immunity, **4:71** forum Practical problems generally, 4:7 appeal and review of transnational ab initio objection to jurisdiction, judgments, 4:52 4:11 service of process abroad to comchallenges to jurisdiction, 4:10 mence domestic action, 4:26 choice of forum clauses, 4:9 service of process domestically to enforcement of jurisdiction, 4:11 commence foreign action, 4:21 forum non conveniens and equivalent taking of witness evidence domestically in support of foreign notions, **4:10**

BELGIUM—Cont'd	BELGIUM—Cont'd
Practical problems—Cont'd	Service of process domestically to com-
proceedings, 4:39	mence foreign action—Cont'd
Pre-judgment attachment, sovereign immunity, 4:71	local procedural requirements at place of action, 4:20
Privileges. Immunities and privileges, above	other means and absence of conventions, 4:19
Product liability, damages recovery,	practical problems, 4:21
4:57	time factors, 4:21
Property as jurisdictional basis, 4:8	Setting aside or vacating arbitral award,
Public policy, damages, 4:59	4:90
Recognition and enforcement of foreign civil-commercial judgments	Settlement and compromise of proceedings
conventions, 4:60	formalities, 4:65
other means and absence of conventions, 4:63	kinds of settlement and compromise, 4:64
Recognition and enforcement of judg-	litigation, effect on, 4:66
ments against foreign sovereigns,	requirements, 4,65
4:72	Sovereign impunity generally 4:67
Relevance to later efforts to recognize	aids in enforcement of judgments
and enforce	against foreign sovereigns, 4:71
appeal and review of transnational	against foleign sovereigns, 4.71
judgments, 4:53	foreign sovereigns, 4:71, 4:72
choice of law, 4:15	injunctive measures against foreign
obtaining jurisdiction and choice of forum, 4:11	sovereigns, 4:71
Rights of audience in court, 4:5	personal jurisdiction, 4:69
Schedules, fees, 4:76	post-judgment attachment, 4:71
Secrecy laws, taking of witness evidence	pre-judgment attachment, 4:71
domestically in support of foreign	recognition and enforcement of judg-
proceedings, 4:36	ments against foreign sovereigns, 4:72
Security for costs, 4:73	
Service of process a road to commence	service of process on foreign sovereigns, 4:68
domestic action	subject matter jurisdiction, 4:69
generally, 4:23	taking of evidence against foreign
conventions, 4:24	sovereign entities, 4:70
default judgments, 4:27	Standards of burden of proof for dam-
other means and absence of conven-	ages recovery, 4:58
tions, 4:25	Statement of claim, 4:28
practical problems, 4:26	Statement of defense, 4:30
time factors, 4:26	Statutory and other bases
Service of process domestically to com-	choice of law, 4:13
mence foreign action	obtaining jurisdiction and choice of
generally, 4:16	forum, 4:7
bilateral conventions and agreements,	Strategic considerations
4:18	answer or statement of defence, 4:29
conventions, 4:17 , 4:18	appeal and review of transnational
default judgments, 4:22	judgments, 4:52

BELGIUM-Cont'd BELGIUM—Cont'd Strategic considerations—Cont'd Taking of witness evidence abroad in complaint or statement of claim, 4:28 support of domestic action Structure of courts. Court structure, -Cont'd above or abroad, above Subject matter jurisdiction conventions, 4:43 obtaining jurisdiction and choice of other means and absence of convenforum, **4:7** tions, 4:44 sovereign immunity, 4:69 Taking of witness evidence domestically Substance and content in support of foreign proceedings answer or statement of defence, 4:29 generally, 4:35 complaint or statement of claim, 4:28 admissibility and presentation at trial Substantive and practical overview of of evidence taken domestically key distinguishing issues in or abroad, above Belgium attorney-client privilege, 4:41 generally, 4:1 attorney work product privilege, 4:41 civil procedural law, basis and blocking statutes 4:36 characteristics, 4:3 conventions, 4:37 Council regulation (EC) No. 44/2001, discovery, when and from whom, 4:2 4:36 Substantive issues, choice of law, 4:13 experi evidence, special issues, 4:40 Summary judgments and equivalent other means and absence of convenproceedings tions, 4:38 injunctions and similar emergency practical problems, 4:39 measures, 4:33 privileges, 4:41 interim and conservatory relief, 4:33 secrecy laws, 4:36 petitions abroad, in connection with time factors, 4:39 domestic proceedings, 4:33 Time factors petitions domestically, in support of adjudication, time horizon and foreign proceedings, 4:34 influencing factors, 4:6 summary proceedings 4:31, 4:32 appeal and review of transnational Taking of documentary evidence abroad judgments, 4:52 in support of domestic action arbitration award, time limit to issue, generally, 4:46 4:88 admissibility and presentation at trial service of process abroad to comof evidence taken domestically mence domestic action. 4:26 or abroad, 4:47, 4:48 service of process domestically to Taking of documentary evidence commence foreign action, 4:21 domestically in support of foreign taking of witness evidence domestiaction cally in support of foreign generally, 4:45 proceedings, 4:39 admissibility and presentation at trial Tort action, damages recovery in, 4:57 of evidence taken domestically UNCITRAL model law, 4:80 or abroad, 4:47, 4:48 Taking of witness evidence abroad in Vacating arbitral award, **4:90** support of domestic action Witness evidence generally, 4:42 taking of witness evidence abroad in admissibility and presentation at trial support of domestic action, of evidence taken domestically above

BELGIUM—Cont'd	BRAZIL—Cont'd
Witness evidence—Cont'd	Admissibility and presentation at trial of
taking of witness evidence domesti-	evidence taken domestically or
cally in support of foreign action,	abroad—Cont'd
above	construction work, 5:72
BILATERAL TREATIES AND	general commercial, 5:66
CONVENTIONS	general requirements and practices,
Australia, service of process domesti-	5:65
cally to commence foreign action,	insurance, 5:74
2:16	intellectual property, 5:68
Belgium, service of process domesti-	principal and agent, 5:69
cally to commence foreign action,	product liability, 5:71
4:18	sale of goods, 5:67
U.S. model bilateral investment treaty,	tort action, 5:70
42:4	Agency, admissibility and presentation
BLOCKING STATUTES	at trial of evidence taken domesti-
Australia (this index)	cally or abroad, 5:69
Austria (this index)	Answer or statement of defense, 5:28 Appeal and review of transnational
Belgium, taking of witness evidence	judgments
domestically in support of foreign	generally, 5:76
proceedings, 4:36	conclusiveness and finality of judg-
Brazil (this index)	ments, generally, 5:76
China, People's Republic (this index)	ordinary appeal, 5:82
Finland (this index)	practical problems, 5:79
France (this index)	procedural issues, 5:77
Germany (this index) Hungary (this index) Japan (this index) Korea (this index) Kuwait (this index)	strategic considerations, 5:80
Hungary (this index)	substantive issues, 5:78
Japan (this index)	time factors, 5:79
Korea (this index)	· · · · · · · · · · · · · · · · · · ·
	Appeal of arbitrator's decision, 5:123
Sweden (this index)	Arbitration
Switzerland, taking of evidence	generally, 5:111
domestically in support of foreign	appeal of arbitrator's decision, 5:123
action, 25:45	confidentiality, 5:119
Turkey (this index)	conventions, 5:112
United Kingdom (this index)	duties of arbitrators, 5:121
BRAZIL	enforcement of agreement to arbitrate,
Generally, 5:1 to 5:126	5:117
Ab initio objection to jurisdiction, 5:10	enforcement of awards made outside
Admiralty actions, admissibility and	Brazil, 5:125
presentation at trial of evidence	institutions, 5:126
taken domestically or abroad, 5:75	jurisdiction of arbitrators, 5:118
Admissibility and presentation at trial of	1996 Law, general aspects, 5:113
evidence taken domestically or	preliminary relief, 5:120
abroad	qualifications of arbitrators, 5:115
admiralty and maritime actions, 5:75	rights of representation, 5:116
agency, 5:69	setting aside or vacating arbitral
charter party, 5:73	award, 5:124

service of process domestically to

commence foreign action, 5:15

BRAZIL-Cont'd BRAZIL—Cont'd Arbitration—Cont'd Charter party, admissibility and presentation at trial of evidence taken statute, **5:113** domestically or abroad, 5:73 time limit to issue award, 5:122 Choice of forum clauses, 5:8 UNCITRAL model law, 5:114 Choice of law Attachment choice of law clauses, 5:13 post-judgment attachment, sovereign foreign substantive law, bases for immunity, **5:103** application, 5:12 pre-judgment attachment, sovereign immunity, **5:102** party autonomy, 5:13 relevance to later efforts to recognize Attorney-client privilege and enforce, 5:14 taking of documentary evidence abroad in support of domestic statutory and other bases for applicaaction, 5:64 tion of foreign substantive law, 5:12 taking of documentary evidence domestically in support of Civil and commercial judgments. Recforeign action, 5:59 ognition and enforcement of foreign civil and commercial judgtaking of witness evidence abroad in support of domestic action, 5:53 ments, below taking of witness evidence domesti-Commencement of suit cally in support of foreign ans ver or statement of defense, 5:28 proceedings, 5:47 complaint or statement of claim, 5:27 Attorney fees, 5:109 statement of defense, 5:28 Attorney work product privilege terms, 5:29 taking of documentary evidence Common emergency relief measures, abroad in support of domestic 5:40 action, 5:64 Complaint or statement of claim, 5:27 taking of documentary evidence Compromise of proceedings. Settlement domestically in support of and compromise of proceedings, foreign action, 5:59 below taking of witness evidence abroad in Conclusiveness and finality of judgsupport of domestic action, 5:53 ments, generally, 5:76 taking of witness evidence domesti-Confidentiality of arbitration proceedcally in support of foreign ings, 5:119 proceedings, 5:47 Construction work, admissibility and Audience in court, rights, **5:3** presentation at trial of evidence Bankruptcy judgment, recognition and taken domestically or abroad, 5:72 enforcement, 5:95 Contract, acceptable kinds of damages Blocking statutes recovery in, 5:83 taking of documentary evidence Conventions domestically in support of foreign action, 5:54 international arbitration, 5:112 taking of witness evidence domestirecognition and enforcement of cally in support of foreign action, foreign civil-commercial judg-5:41 ments, 5:90 taking of witness evidence domestiservice of process abroad to comcally in support of foreign mence domestic action, 5:21 proceedings, 5:41, 5:54

Challenges to jurisdiction, 5:9

BRAZIL—Cont'd	BRAZIL—Cont'd
Conventions—Cont'd	Damages—Cont'd
taking of documentary evidence	standards of burden of proof for
abroad in support of domestic	recovery, 5:86
action, 5:60	tort action, damages recovery in, 5:85
taking of documentary evidence	Default judgments
domestically in support of	recognition and enforcement of
foreign action, 5:55	foreign civil-commercial judg-
taking of witness evidence abroad in support of domestic action, 5:48	ments, 5:94
taking of witness evidence domesti-	service of process abroad to com-
cally in support of foreign	mence domestic action, 5:26
proceedings, 5:42	service of process domestically to
Costs and fees	commence foreign action, 5:20
generally, 5:106	Discovery
attorney fees, 5:109	recognition and enforcement of
	foreign civil-commercial judg-
court costs, 5:107	ments, 5:94
interest, 5:108	taking of documentary evidence domestically in support of
monetary adjustment, 5:110	foreign action, 5:54
security for costs, 5:106	taking of witness evidence domesti-
Court structure	cally in support of foreign action,
adjudication, time horizon and	5:41
influencing factors, 5:4	Documentary evidence
audience rights, 5:3	taking of documentary evidence
foreign co-counsel, role, 5:3	abroad in support of domestic
general structure, 5:2	action, below
institutional guarantees of judge, 5.5	taking of documentary evidence
principles and institutional guarantees	domestically in support of
of judge, 5:5	foreign action, below
special courts (civil and criminal)	Emergency relief measures. Interim and
(juizados especiais eiveis e	conservatory relief, injunctions and
criminais), 5:35	similar emergency measures, below
Currency conversion, damages recovery,	Enforcement of agreement to arbitrate,
5:88	5:117
Damages	Enforcement of arbitration awards made
generally, 5:83	outside Brazil, 5:125
acceptable kinds of damages recovery	Enforcement of judgments against
in contract, 5:83	foreign sovereigns, 5:103, 5:104
currency conversion, 5:88	Enforcement of jurisdiction, 5:10
lost profits damages, specific issues,	Evidence
5:84	damages recovery, standards of
moral damages, 5:89	burden of proof, 5:86
non-contractual bases, damages recovery in, 5:85	taking of documentary evidence abroad in support of domestic
product liability, damages recovery in, 5:85	action, below
public policy constraints, 5:87	taking of documentary evidence domestically in support of
punitive damages, 5:94	foreign action, below
Pallitive dalliages, 2.77	10101511 4011011, 0010 W

BRAZIL-Cont'd

Evidence—Cont'd

taking of evidence against foreign sovereign entities, 5:101

taking of witness evidence abroad in support of domestic action, below

taking of witness evidence domestically in support of foreign action, below

Expert evidence

taking of witness evidence abroad in support of domestic action, 5:52

taking of witness evidence domestically in support of foreign proceedings, 5:46

Fees. Costs and fees, above

Foreign co-counsel, role, 5:3

Forum non conveniens and equivalent notions, 5:9

General commercial, admissibility and presentation at trial of evidence taken domestically or abroad, 5:66

Guarantees of judges, 5:5

Immunities and privileges

sovereign immunity, below

taking of documentary evidence abroad in support of domestic action, **5:64**

taking of documentary evidence domestically in support of foreign action, 5:59

taking of witness evidence abroad in support of domestic action, 5:53

taking of witness evidence domestically in support of foreign proceedings, 5:47

Injunctions. Interim and conservatory relief, injunctions and similar emergency measures, below

Insurance, admissibility and presentation at trial of evidence taken domestically or abroad, 5:74

Intellectual property, admissibility and presentation at trial of evidence taken domestically or abroad, 5:68

Interest, costs and fees, 5:108

Interim and conservatory relief, injunctions and similar emergency measures

common emergency measures, 5:40

BRAZIL—Cont'd

Interim and conservatory relief, injunctions and similar emergency measures—Cont'd

foreign sovereigns, injunction against, 5:102

parallel proceedings, possible strategies, 5:39

petitions abroad, in connection with domestic proceedings, 5:36

petitions domestically, in support of foreign proceedings, 5:37

property as security device, 5:38

strategies in event of parallel proceedings, 5:39

International arbitration. Arbitration, above

Judge's principles and institutional guarantees, 5:5

Jurisdiction of arbitrators, 5:118

Labor ustice, sovereign immunity, 5:105

Local procedural requirements at place of action

recognition and enforcement of foreign civil-commercial judgments, 5:92

service of process abroad to commence domestic action, 5:23

service of process domestically to commence foreign action, 5:17

Lost profits damages, specific issues, 5:84

Maritime actions, admissibility and presentation at trial of evidence taken domestically or abroad, 5:75

Monetary adjustment, 5:110

Moral damages, 5:89

Non-contractual bases, damages recovery in, 5:85

Obtaining jurisdiction and choice of forum

generally, 5:6

ab initio objection to jurisdiction, 5:10

challenges to jurisdiction, 5:9 choice of forum clauses, 5:8 enforcement of jurisdiction, 5:10

BRAZIL—Cont'd BRAZIL—Cont'd Obtaining jurisdiction and choice of Practical problems forum—Cont'd appeal and review of transnational forum non conveniens and equivalent judgments, 5:79 notions, 5:9 recognition and enforcement of parallel proceedings, 5:11 foreign civil-commercial judgments, 5:93 party autonomy, 5:8 service of process abroad to compersonal jurisdiction, basis for accepmence domestic action, 5:24 tance, 5:6 property as jurisdictional basis, 5:7 service of process domestically to commence foreign action, 5:18 relevance to later efforts to recognize summary judgments and equivalent and enforce, 5:10 proceedings, 5:32 statutory and other bases, 5:6 taking of documentary evidence subject matter jurisdiction, basis for abroad in support of domestic acceptance, 5:6 action, 5:62 Other means and absence of conventions taking of documentary evidence recognition and enforcement of domestically in support of foreign civil-commercial judgforeign action, 5:57 ments, 5:91 taking of witness evidence abroad in service of process abroad to comsupport of domestic action, 5:50 mence domestic action, 5:22 taking of witness evidence domestitaking of documentary evidence cally in support of foreign abroad in support of domestic proceedings, 5:44 action, 5:61 Pre-judgment attachment, sovereign taking of documentary evidence immunity, **5:102** domestically in support of Principal and agent, admissibility and foreign action, 5:56 presentation at trial of evidence taking of witness evidence abroad in taken domestically or abroad, 5:69 support of domestic action 5:49 Privileges. Immunities and privileges, taking of witness evidence domestically in support of foreign Procedural requirements, summary judgproceedings, 5:43 ments and equivalent proceedings, Parallel proceedings obtaining jurisdic-5:30 tion and choice of forum, 5:11 Product liability Party autonomy admissibility and presentation at trial choice of law, 5:13 of evidence taken domestically obtaining jurisdiction and choice of or abroad, 5:71 forum, **5:8** damages recovery, 5:85 Personal jurisdiction Property as jurisdictional basis, 5:7 obtaining jurisdiction and choice of Property as security device, 5:38 forum, **5:6** Public policy sovereign immunity, 5:100 damages, 5:87 Petitions abroad, in connection with recognition and enforcement of domestic proceedings, interim and foreign civil-commercial judgconservatory relief, 5:36 ments, 5:94 Petitions domestically, in support of Recognition and enforcement of foreign foreign proceedings, interim and conservatory relief, 5:37 civil-commercial judgments bankruptcy judgment, 5:95 Post-judgment attachment, sovereign conventions, 5:90 immunity, **5:103**

BRAZIL—Cont'd	BRAZIL—Cont'd
Recognition and enforcement of foreign	Secrecy laws—Cont'd
civil-commercial judgments	taking of witness evidence domesti-
—Cont'd	cally in support of foreign action,
default judgments, 5:94	5:41
discovery, 5:94	Security
local procedural requirements at place	costs, security for, 5:106
of action, 5:92	property as security device, 5:38
other means and absence of convention, 5:91	Service of process abroad to commence domestic action
practical problems, 5:93	generally, 5:21
public policy issues, 5:94	conventions, 5:21
punitive damages, 5:94	default judgments, 5:26
time factors, 5:93	local procedural requirements at place
Recognition and enforcement of judg-	of action, 5:23
ments against foreign sovereigns, 5:103, 5:104	other means and absence of conventions, 5:22
Relevance to later efforts to recognize	practical problems, 5:24
and enforce appeal and review of transnational	relevance to later efforts to recognize and enforce, 5:25
judgments, 5:81	time factors, 5:24
choice of law, 5:14	Service of process domestically to com-
obtaining jurisdiction and choice of forum, 5:10	mence foreign action
service of process abroad to com-	generally, 5:15
mence domestic action, 5:25	conventions, 5:15
service or process domestically to	default judgments, 5:20
commence foreign action, 5:19	local procedural requirements at place
summary judgments and equivalent	of action, 5:17
proceedings, 5:34	other means in absence of convention,
taking of documentary evidence	5:16
abroad in support of domestic action, place of judgment, 5:63	practical problems, 5:18
taking of documentary evidence	relevance to later efforts to recognize and enforce, 5:19
domestically in support of	time factors, 5:18
foreign action, place of evidence, 5:58	Setting aside or vacating arbitral award, 5:124
taking of witness evidence abroad in support of domestic action, 5:51	Settlement and compromise of proceedings
taking of witness evidence domesti-	formalities, 5:97
cally in support of foreign	kinds of settlement and compromise,
proceedings, 5:45	5:96
Rights of audience in court, 5:3	litigation, effect on, 5:98
Sale of goods, admissibility and presen-	requirements, 5:97
tation at trial of evidence taken domestically or abroad, 5:67	Sovereign immunity
Secrecy laws	generally, 5:99
•	•
taking of documentary evidence domestically in support of	aids in enforcement of judgments against foreign sovereigns,
foreign action, 5:54	5:102, 5:103

BRAZIL—Cont'd	BRAZIL—Cont'd
Sovereign immunity—Cont'd	Summary judgments and equivalent
enforcement of judgments against	proceedings—Cont'd
foreign sovereigns, 5:103, 5:104	procedural requirements, 5:30
injunctive measures against foreign sovereigns, 5:102	relevance to later efforts to recognize and enforcement, 5:34
labor justice, 5:105	special courts (civil and criminal),
personal jurisdiction, 5:100	5:35
post-judgment attachment, 5:103	strategic considerations, 5:33
pre-judgment attachment, 5:102	substantive requirements, 5:31
recognition and enforcement of judg-	time factors, 5:32
ments against foreign sovereigns, 5:104	Taking of documentary evidence abroacin support of domestic action
service of process on foreign	generally, 5:60
sovereigns, 5:99	admissibility and presentation at trial
subject matter jurisdiction, 5:100	of evidence taken domestically
taking of evidence against foreign	or abroad, above
sovereign entities, 5:101	attorney-client privilege, 5:64
Special courts (civil and criminal)	attorney work product privilege, 5:64
(juizados especiais civeis e	conventions, 5:60
criminais), 5:35	other means and absence of conven-
Standards of burden of proof for damages recovery, 5:86	tions, 5:61
Statement of claim, 5:27	practical problems, 5:62
Statutory and other bases	privileges, 5:64
arbitration, general aspects of 1996 Law, 5:113	relevance to later efforts to recognize and enforce at place of judgment 5:63
choice of law, 5:12	time factors, 5:62
obtaining jurisdiction and choice of	Taking of documentary evidence
forum, 5:6	domestically in support of foreign
Strategic considerations • \	action
appeal and review of transnational	generally, 5:54
judgments, 5:80	admissibility and presentation at trial
parallel proceedings, 5:39	of evidence taken domestically
summary judgments and equivalent	or abroad, above
proceedings, 5:33	attorney-client privilege, 5:59
Structure of courts. Court structure,	attorney work product privilege, 5:59
above	blocking statutes, 5:54
Subject matter jurisdiction	conventions, 5:55
obtaining jurisdiction and choice of	discovery, 5:54
forum, 5:6	other means and absence of conven-
sovereign immunity, 5:100	tions, 5:56
Substantive and practical overview of	practical problems, 5:57
key distinguishing issues in Brazil,	privileges, 5:59
5:1	relevance to later efforts to recognize
Substantive issues, choice of law, 5:12	and enforce at place of evidence
Summary judgments and equivalent	5:58
proceedings	secrecy laws, 5:54
practical problems, 5:32	time factors, 5:57

BRAZIL—Cont'd BRAZIL—Cont'd Taking of documentary evidence Time factors—Cont'd domestically in support of foreign arbitration award, time limit to issue, action-Cont'd 5:122 time of discovery, 5:54 recognition and enforcement of foreign civil-commercial judg-Taking of witness evidence abroad in ments, 5:93 support of domestic action service of process abroad to comgenerally, 5:48 mence domestic action, 5:24 admissibility and presentation at trial of evidence taken domestically service of process domestically to or abroad, above commence foreign action, 5:18 attorney-client privilege, 5:53 summary judgments and equivalent attorney work product privilege, 5:53 proceedings, 5:32 conventions, 5:48 taking of documentary evidence abroad in support of domestic expert evidence, special issues, 5:52 action, 5:62 other means in absence of conventions, 5:49 taking of documentary evidence domestically in support of practical problems, 5:50 foreign action, 5:54, 5:57 relevance to later efforts to recognize and enforce at place of judgment, taking of witness evidence abroad in support of domestic action, 5:50 5:51 taking of witness evidence domestitime factors, 5:50 cally in support of foreign action, Taking of witness evidence domestically 5:41, 5:44 in support of foreign proceedings Tort actions generally, 5:41 admissibility and presentation at trial admissibility and presentation at trial of evidence taken domestically of evidence taken domestically or abroad, above or abroad, 5:70 attorney-client privilege, 5:47 damages recovery in, 5:85 attorney work product privilege, 5:47 UNCITRAL model law, 5:114 blocking statutes, 5:41. Vacating arbitral award, 5:124 conventions, 5:42 Witness evidence discovery, when and from whom, taking of witness evidence abroad in 5:41 support of domestic action, expert evidence, special issues, 5:46 above other means and absence of conventaking of witness evidence domestitions, 5:43 cally in support of foreign action, practical problems, 5:44 above privileges, 5:47 **BRUSSELS/LUGANO** relevance to later efforts to recognize **CONVENTIONS** and enforce, 5:45 Ireland, recognition and enforcement of secrecy laws, 5:41 foreign civil-commercial judgtime factors, 5:44 ments, 16:34 Terms, commencement of suit, 5:29 **CANADA** Time factors Generally, **6:1 to 6:85** adjudication, time horizon and influencing factors, 5:4 Ab initio objection to jurisdiction, **6:7** appeal and review of transnational Acceptable kinds of damages recovery judgments, 5:79 in contract, 6:53

CANADA—Cont'd	CANADA—Cont'd
Admissibility and presentation at trial of	Attorney work product privilege
evidence taken domestically or	—Cont'd
abroad, general requirements and	taking of witness evidence abroad in
practices, 6:48	support of domestic action, 6:38
Aggravated damages, 6:58	taking of witness evidence domesti-
Answer or statement of defense, 6:20	cally in support of foreign
Appeal and review of transnational	proceedings, 6:33
judgments	Audience in court, rights, 6:3
generally, 6:49	Bilateral Treaties, App 6E
conclusiveness and finality of judg-	Challenges to jurisdiction, 6:6
ments, generally, 6:49	Choice of forum. Obtaining jurisdiction
practical problems, 6:52	and choice of forum, below
procedural issues, 6:50	Choice of forum clauses, 6:5
strategic considerations, 6:52	Choice of law
substantive issues, 6:51	choice of law clauses, 6:10
time factors, 6:52	foreign substantive law, bases for
Arbitration	application, 6:9
generally, 6:82	party autonomy, 6:10
institutions, 6:85	relevance to later efforts to recognize
qualifications of arbitrators, 6:84	and enforce, 6:11
specific Canadian institutions, 6:85	statutory and other bases for applica-
statute, 6:113	tion of foreign substantive law, 6:9
Attachment	Commencement of suit
post-judgment attachment, sovereign	answer or statement of defense, 6:20
immunity, 6:76	complaint or statement of claim, 6:20
pre-judgment attachment, sovereign	limitation provisions, 6:21
immunity, 6:76	statement of defense, 6:20
Attorney-client privilege	· · · · · · · · · · · · · · · · · · ·
taking of documentary evidence	Complaint or statement of claim, 6:20
abroad in support of domestic	Compromise and settlement of proceedings, 6:72
action, 6:47	<u> </u>
taking of documentary evidence	Conclusiveness and finality of judgments, generally, 6:49
domestically in support of	Contingent fees, 6:81
foreign action, 6:43	
taking of witness evidence abroad in	Contract damages, 6:53 , 6:60
support of domestic action, 6:38	Conventions
taking of witness evidence domesti-	list of relevant conventions, App 6A
cally in support of foreign proceedings, 6:33	recognition and enforcement of
Attorney fees, 6:81	foreign civil-commercial judg- ments, 6:67
•	
Attorney work product privilege	service of process abroad to commence domestic action, 6:16
taking of documentary evidence	•
abroad in support of domestic action, 6:47	service of process domestically to commence foreign action, 6:12
taking of documentary evidence	taking of documentary evidence
domestically in support of	abroad in support of domestic
foreign action, 6:43	action, 6:44

CANADA—Cont'd	CANADA—Cont'd
Conventions—Cont'd	Evidence—Cont'd
taking of documentary evidence	taking of documentary evidence
domestically in support of	abroad in support of domestic
foreign action, 6:40	action, below
taking of witness evidence domesti-	taking of documentary evidence
cally in support of foreign action,	domestically in support of
6:29	foreign action, below
treaties, taking of witness evidence	taking of witness evidence abroad in
domestically in support of foreign action, 6:29	support of domestic action, below
Costs and fees	
generally, 6:78	taking of witness evidence domesti- cally in support of foreign action
attorney fees, 6:81	below
contingent fees schedules, 6:81	Expert evidence
court costs, 6:79	÷
fee schedules, 6:81	taking of witness evidence abroad in support of domestic action, 6:37
fees schedules, 6:81	taking of witr ess evidence domesti-
interest, 6:80	cally in support of foreign
security for costs, 6:78	proceedings, 6:32
Court structure	Fee schedules, 6:81
audience rights, 6:3	Forum non conveniens and equivalent
general structure, 6:2	notions, 6:6
Currency conversion	Lague Conventions, 33:3
Quebec, 6:66	Immunities and privileges
Damages	taking of documentary evidence
generally, 6:53	abroad in support of domestic
acceptable kinds of damages recovery	action, 6:47
in contract, 6:53	taking of documentary evidence
aggravated damages, 6:58	domestically in support of
contract damages, 6:53, 6:60	foreign action, 6:43
liquidated damages 6.54	taking of witness evidence abroad in
lost profits damages, 6:56	support of domestic action, 6:38
mitigation, 6:59	taking of witness evidence domesti-
punitive/exemplary damages, 6:57	cally in support of foreign
Quebec, below	proceedings, 6:33
tort, 6:55	Interest, costs and fees, 6:80
Default judgments	Interim and conservatory relief, injunc-
service of process abroad to com-	tions and similar emergency
mence domestic action, 6:19	measures
Delict, Quebec, 6:62	foreign sovereigns, injunction against
Enforcement of judgments against	6:76
foreign sovereigns, 6:76, 6:77	petitions abroad, 6:24
Enforcement of jurisdiction, 6:7	petitions domestically, 6:25, 6:26
Evidence	property as security device, 6:27
expert evidence, below	Judicial Assistance in Canada, 33:3
Quebec, damages recovery, standards	Limitation provisions, commencement
of burden of proof for recovery,	of suit, 6:21
6:64	Liquidated damages, 6:54

CANADA—Cont'd	CANADA—Cont'd
Local procedures	Party autonomy
recognition and enforcement of	choice of law, 6:11
foreign civil-commercial judgments, place of action, 6:69	obtaining jurisdiction and choice of forum, 6:5
taking of documentary evidence domestically in support of	Personal jurisdiction, obtaining jurisdiction and choice of forum, 6:4
foreign action, 6:39 taking of witness evidence abroad in	Petitions abroad, interim and conservatory relief, 6:24
support of domestic action, 6:34	Petitions domestically, interim and
taking of witness evidence domesti-	conservatory relief, 6:26
cally in support of foreign	Post-judgment attachment, sovereign
proceedings, 6:28	immunity, 6:76
Lost profits damages, 6:56, 6:61	Practical problems
Mitigation of damages, 6:59	appeal and review of transnational
Obtaining jurisdiction and choice of	judgments, 6:52
forum	recognition and enforcement of
generally, 6:4	foreign (ivil-commercial judg- ments, 6:70
ab initio objection to jurisdiction, 6:7	
challenges to jurisdiction, 6:6	service of process domestically to commence foreign action, 6:14
choice of forum clauses, 6:5	taking of documentary evidence
enforcement of jurisdiction, 6:7	abroad in support of domestic
forum non conveniens and equivalent	action, 6:45
notions, 6:6	taking of documentary evidence
parallel proceedings, 6:8	domestically in support of
party autonomy, 6:5	foreign action, 6:41
personal jurisdiction, basis for accep-	taking of witness evidence abroad in
tance, 6:4	support of domestic action, 6:35
property as jurisdictional basis, 6:4	taking of witness evidence domesti- cally in support of foreign
relevance to later efforts to recognize	proceedings, 6:30
and enforce, 6:7	Pre-judgment attachment, sovereign
statutory and other bases, 6:4	immunity, 6:76
subject matter jurisdiction, basis for	Product liability, Quebec, 6:63
acceptance, 6:4	Property as jurisdictional basis, 6:4
Ontario, transnational litigation, foreign	Property as security device, 6:27
judgment recognition and enforce- ment, App 6F	Public policy
Other means and absence of conventions	Quebec, constraints on damages
	recovery, 6:65
recognition and enforcement of foreign civil-commercial judg-	recognition and enforcement of
ments, 6:68	foreign civil-commercial judg-
, and the second	ments, 6:71
service of process abroad to com- mence domestic action, 6:17	Punitive/exemplary damages, 6:57
	Quebec, damages recovery
taking of documentary evidence domestically in support of	currency conversion, 6:66
foreign action, 6:40	damages in contract, 6:60
Parallel proceedings, obtaining jurisdic-	delict, 6:62
tion and choice of forum, 6:8	lost profit, 6:61
,	1

CANADA—Cont'd CANADA—Cont'd Quebec, damages recovery—Cont'd Rights of audience in court, 6:3 lost profit damages, 6:61 Security product liability, 6:63 costs, security for, 6:78 public policy constraints on recovery, property as security device, 6:27 6:65 Service of process abroad to commence standards of burden of proof for domestic action recovery, 6:64 generally, 6:16 Recognition and enforcement of foreign conventions, 6:16 civil-commercial judgments default judgments, 6:19 conventions, 6:67 other means and absence of convenlocal procedural requirements at place tions, 6:17 of action, 6:69 relevance to later efforts to recognize Ontario, transnational litigation, and enforce, 6:18 foreign judgment recognition Service of process domestically to comand enforcement, App 6F mence foreign action other means and absence of convengenerally, 6:12 tion. 6:68 conventions, (2)2 practical problems, 6:70 other means in absence of convention, public policy issues, 6:71 6:13 time factors, 6:70 practical problems, 6:14 Recognition and enforcement of judgrelevance to later efforts to recognize ments against foreign sovereigns, and enforce, 6:15 6:76, 6:77 time factors. 6:14 Relevance to later efforts to recognize Settlement and compromise of proceedand enforce ings, **6:72** choice of law, 6:11 Sovereign immunity obtaining jurisdiction and choice of generally, 6:73 forum, **6:7** aids in enforcement of judgments service of process abroad to comagainst foreign sovereigns, 6:76 mence domestic action, 6:18 enforcement of judgments against service or process domestically to foreign sovereigns, 6:76, 6:77 commence foreign action, 6:15 injunctive measures against foreign taking of documentary evidence sovereigns, **6:76** abroad in support of domestic post-judgment attachment, 6:76 action, place of judgment, 6:46 pre-judgment attachment, 6:76 taking of documentary evidence recognition and enforcement of judgdomestically in support of ments against foreign sovereigns, foreign action, place of service, 6:77 6:42 service of process on foreign taking of witness evidence abroad in sovereigns, 6:74 support of domestic action, 6:36 taking of evidence against foreign taking of witness evidence domestisovereign entities, 6:75 cally in support of foreign Standards of burden of proof for proceedings, 6:31 recovery, 6:64 taking of witness evidence domesti-Statement of claim, 6:20 cally in support of foreign Statutory and other bases proceedings, place of service, 6:31 arbitration statute, 6:83 choice of law, 6:9 Relevant Conventions, App 6A

CANADA—Cont'd	CANADA—Cont'd
Statutory and other bases—Cont'd	Taking of documentary evidence
obtaining jurisdiction and choice of	domestically in support of foreign
forum, 6:4	action—Cont'd
Strategic considerations	attorney-client privilege, 6:43
appeal and review of transnational	attorney work product privilege, 6:43
judgments, 6:52	conventions, 6:40
summary judgments and equivalent	local procedures, 6:39
proceedings, 6:23	other means and absence of conven-
Subject matter jurisdiction, 6:4	tions, 6:40
Substantive and practical overview of	practical problems, 6:41
key distinguishing issues in Canada, 6:1	privileges, 6:43
Substantive issues, choice of law, 6:9	relevance to later efforts to recognize
Summary judgments and equivalent	and enforce at place of service,
proceedings	6:42
practical problems, 6:23	time factors, 6:41
procedural requirements, 6:22	Taking of witness evidence abroad in
strategic considerations, 6:23	support of domestic action
substantive requirements, 6:22	generally, 6:34
time factors, 6:23	attorney client privilege, 6:38
Table of Authorities, App 6C	attorney work product privilege, 6:38
Table of Cases, App 6D	expert evidence, special issues, 6:37
Table of Statutes, App 6B	local procedures, 6:34
Taking of documentary evidence abroad	practical problems, 6:35
in support of domestic action	relevance to later efforts to recognize
generally, 6:44	and enforce at place of judgment,
admissibility and presentation at trial	6:36
of evidence taken domestically	time factors, 6:35
or abroad, 6:48	Taking of witness evidence domestically
admissibility and presentation at trial	in support of foreign action
of evidence taken domestically	generally, 6:28
or abroad, general requirements	admissibility and presentation at trial
and practices, 6:48	of evidence taken domestically
attorney-client privilege, 6:47	or abroad, 6:48
attorney work product privilege, 6:47	attorney-client privilege, 6:33
conventions, 6:44	attorney work product privilege, 6:33
practical problems, 6:45 privileges, 6:47	conventions, 6:29
relevance to later efforts to recognize	expert evidence, special issues, 6:32
and enforce at place of judgment,	local procedures, 6:28, 6:39
6:46	practical problems, 6:30
time factors, 6:45	privileges, 6:33
Taking of documentary evidence	relevance to later efforts to recognize
domestically in support of foreign	and enforce, 6:31
action	relevance to later efforts to recognize
generally, 6:39	and enforce at place of service,
admissibility and presentation at trial	6:31
of evidence taken domestically	time factors, 6:30
or abroad, 6:48	treaties, 6:29

CANADA—Cont'd

Time factors

appeal and review of transnational judgments, 6:52

recognition and enforcement of foreign civil-commercial judgments, 6:70

service of process domestically to commence foreign action, 6:14

summary judgments and equivalent proceedings, 6:23

taking of documentary evidence abroad in support of domestic action, 6:45

taking of documentary evidence domestically in support of foreign action, 6:41

taking of witness evidence abroad in support of domestic action, 6:35

taking of witness evidence domestically in support of foreign action, 6:30

Tort damages, 6:55

Treaties, taking of witness evidence domestically in support of foreign action, 6:29

CARRIAGE OF GOODS BY SEA

Korea, 19:68

CASE LAW

Morrison et al. v. National Australia Bank Ltd. et al concurring opinion, 44:15 opinion of Count 4:13 opinion of Justice Breyer, 44:14 syllabus, 44:12 United States case law, 44:12 to 44:15

South Africa, In the Matter Between Michael Richman and Gershon

Ben-Tovim, 43:1 UNCITRAL arbitration cases

Chevron v. Ecuador UNCITRAL Arbitration Award, 45:2 Chevron v. Ecuador UNCITRAL

Notice of Arbitration, 45:1

United Kingdom

129 Yukos Capital Sarl v. OJSC Rosneft Oil Co., enforcement of foreign arbitration award, 46:1

CASE LAW-Cont'd

United Kingdom—Cont'd Sulamerica CIA Nacional de Seguros SA v. Enesa Engenharia SA-Enesa, anti-suit injunction, 46:2

United States

Arista Records, Inc., et al v. Sakfield Holding Company S.L., et al, conducting business via Internet, 44:5

Chevron v. Naranjo, enforcement of foreign money judgment, 44:16 conducting business via Internet,

44:5, 44:6

enforcement of foreign money judgments, Chevron v. Naranjo, 44:16

forum non conveniens, 44:10, 44:11 Harry Edelson v. Raymond K.F. Ch'ien, et al, passive websites, 44:3

injunction against enforcement of foreign judgment vacated, Chevron v. Naranjo, 44:16

interactive websites, Morris Material Handling, Inc., et al v. KCI Konecranes PLC, et al, 44:7

International Organization Immunities Act, 44:3, 44:4

Internet jurisdiction, 44:5 to 44:8 In the Matter of the Arbitration Between: Monegasque De Reassurances S.A.M. (Monde Re),

Petitioner-Appellant, v. NAK Naftogaz of Ukraine and State of Ukraine, Respondents-Appellees, forum non conveniens, 44:10

Janet E. Atkinson, Appellant v. The Inter-American Development Bank, et at, Appellees, 44:3

Morris Material Handling, Inc., et al v. KCI Konecranes PLC, et al, interactive websites, 44:7

Morrison et al. v. National Australia Bank Ltd. et al, above

OSS Nokalva, Inc. v. European Space Agency, Appellant; OSS Nokalva, Inc. Appellant v. European Space Agency, 44:4

CASE LAW—Cont'd United States—Cont'd	CHINA, PEOPLE'S REPUBLIC —Cont'd
passive websites, Harry Edelson v.	Answer or statement of defense, 7:29
Raymond K.F. Ch'ien, et al,	Appeal and review of transnational
44:8	judgments
Sinochem International Co., Ltd.,	generally, 7:67
Petitioner v. Malaysia	conclusiveness and finality of judg-
International Shipping Corpora-	ments, generally, 7:67
tion, forum non conveniens,	practical problems, 7:70
44:11	procedural issues, 7:68
Termorio S.A. E.S.P. and Leaseco	relevance to later efforts to recognize
Group, LLC, Appellants v.	and enforce, 7:72
Electranta S.P., et al, Appellees,	
44:1	strategic considerations, 7:71
22 U.S.C. § 288. Societe Nationale v.	substantive issues, 7:69
District Court, 44:9	time factors, 7:70
28 U.S.C. § 1782(A), Intel Corpora-	Appointment of arbitrators, 7:103
tion, Petitioner v. Advanced	Arbitration
Micro Devices, Inc., 44:2	generally, 7:98
VIZ Communications, Inc. v.	ad hoc arbitration, 7:100
REDSUN, et al, conducting busi-	appointment of arbitrators, 7:103
ness via Internet, 44:6	Arburation Law, 1994, 40:16
CHARTER PARTY	distration rules of Chinese Arbitra-
Brazil, 5:73	tion Association, Taipei, 40:22
Finland, 11:69	award, 7:109
France, 12:69	China, People's Republic of, Arbitra-
Germany, 13:65	tion Law, 1994, 40:16
Japan, 18:73	commencement of proceedings, 7:102
Kuwait, admissibility and presentation	<u> </u>
at trial of evidence taken comesti-	defense, expansion, 7:104
cally or abroad, 20:71	domestic arbitration, 7:99
Sweden, 24:65	enforcement of foreign award, 7:110
CHILDREN OR MINORS	expansion of application and defense, 7:104
United Arab Emirates, action filed	further pleadings, 7:104
against minor, 28:41	hearing, 7:105
CHINA, PEOPLE'S REPUBLIC	international arbitration vs. ad hoc
Generally, 7:1 to 7:110	arbitration, 7:100
• 1	international arbitration vs. domestic
Ab initio objection to jurisdiction, 7:9	arbitration, 7:99
Ad hoc arbitration vs. international arbitration, 7:100	legal representation, 7:101
	pleadings
Admissibility and presentation at trial of evidence taken domestically or	expansion of application and
abroad	defense, further pleadings,
	7:104
burden of proof, 7:64	post-hearing pleadings, 7:107
categories of evidence, 7:65	post-hearing pleadings, 7:107
general requirements and practices,	
7:63	preservation measures, 7:108
presentation of evidence at trial, 7:66	rules of evidence, 7:106

answer or statement of defense, 7:29

CHINA, PEOPLE'S REPUBLIC -Cont'd -Cont'd China, People's Republic of, Arbitration Attachment Law, 1994, 40:16 pre-judgment attachment, sovereign Choice of forum clauses, 7:7 immunity, 7:92 Attorney-client privilege Choice of law taking of documentary evidence choice of law clauses, 7:12 abroad in support of domestic foreign substantive law, bases for action, 7:62 application, 7:11 taking of documentary evidence party autonomy, 7:12 domestically in support of proof of foreign law, 7:14 foreign action, 7:57 relevance to later efforts to recognize taking of witness evidence abroad in and enforce, 7:13 support of domestic action, 7:51 statutory and other bases for applicataking of witness evidence domestition of foreign substantive law, cally in support of foreign 7:11 proceedings, 7:45 Civil and commercial judgments. Rec-Attorney fees, 7:97 ognition and enforcement of Attornevs foreign civil and commercial judgarbitration, legal representation, 7:101 ments below Attorney work product privilege Civil Precedure Law (relevant part), taking of documentary evidence App 7A abroad in support of domestic Commencement of arbitration proceedaction, 7:62 ings, 7:102 taking of documentary evidence Commencement of suit domestically in support of answer or statement of defense, 7:29 foreign action, 7:57 complaint or statement of claim, 7:28 taking of witness evidence abroad in form of answer or statement of support of domestic action 7:51 defense, 7:29 taking of witness evidence demestiform of complaint or statement of cally in support of foreign claim, 7:28 proceedings, 7:45 statement of claim, 7:28 Audience in court, rights, 7:3 statement of defense, 7:29 Award strategic considerations, answer or arbitration, 7:109 statement of defense, 7:29 Blocking statutes strategic considerations, complaint or taking of documentary evidence statement of claim, 7:28 domestically in support of substance and content of answer or foreign action, 7:52 statement of defense, 7:29 taking of witness evidence domestisubstance and content of complaint or cally in support of foreign action, statement of claim, 7:28 7:39 Complaint or statement of claim, 7:28 taking of witness evidence domesti-Compromise of proceedings. Settlement cally in support of foreign and compromise of proceedings, proceedings, 7:39, 7:52 below Burden of proof Conclusiveness and finality of judgadmissibility and presentation at trial ments, generally, 7:67 of evidence taken domestically or abroad, 7:64 Content Challenges to jurisdiction, 7:8

CHINA, PEOPLE'S REPUBLIC

CHINA, PEOPLE'S REPUBLIC	CHINA, PEOPLE'S REPUBLIC
—Cont'd	—Cont'd
Content—Cont'd	Damages—Cont'd
complaint or statement of claim, 7:28	lost profits damages, specific issues,
Contingent fees, 7:97	7:74
Contingent feescies and fee schedules, 7:97	non-contractual bases, damages recovery in, 7:75
Contract, acceptable kinds of damages recovery in, 7:73	product liability, damages recovery in, 7:75
Conventions	public policy constraints, 7:77
recognition and enforcement of	punitive damages, 7:83
foreign civil-commercial judgments, 7:79	standards of burden of proof for recovery, 7:76
service of process abroad to com-	tort action, damages recovery in, 7:75
mence domestic action, 7:22	Default judgments
service of process domestically to	recognition and enforcement of
commence foreign action, 7:16 taking of documentary evidence	foreign civil commercial judgments, 7:83
abroad in support of domestic	service of process abroad to com-
action, 7:58	merce domestic action, 7:27
taking of documentary evidence	service of process domestically to
domestically in support of	commence foreign action, 7:21
foreign action, 7:53	Defense expansion, arbitration, 7:104
taking of witness evidence abroad in	Discovery
support of domestic action, 7:46	recognition and enforcement of
taking of witness evidence domesti- cally in support of foreign	foreign civil-commercial judg- ments, 7:83
cally in support of foreign proceedings, 7:40 Costs and fees generally, 7:94 attorney fees, 7:97	taking of documentary evidence
Costs and fees	domestically in support of
generally, 7:94	foreign action, 7:52
attorney fees, 7:97	taking of witness evidence domesti-
contingent fees, 7:97	cally in support of foreign action,
court costs, 7:95	7:39
fee schedules, 7.97	Documentary evidence
interest, 7:96	taking of documentary evidence
security for costs, 7:94	abroad in support of domestic
Court structure	action, below
adjudication, time horizon and	taking of documentary evidence
influencing factors, 7:4	domestically in support of
audience rights, 7:3	foreign action, below
foreign co-counsel, role, 7:3	Domestic arbitration vs. international
general structure, 7:2	arbitration, 7:99
Currency conversion, damages recovery,	Emergency relief measures. Interim and
7:78	conservatory relief, injunctions and similar emergency measures, below
Damages	Enforcement of foreign arbitration
generally, 7:73	awards, 7:110
acceptable kinds of damages recovery in contract, 7:73	Enforcement of judgments against foreign sovereigns, 7:93
currency conversion, 7:78	Enforcement of jurisdiction, 7:9

CHINA, PEOPLE'S REPUBLIC —Cont'd

Evidence

admissibility and presentation at trial of evidence taken domestically or abroad, **7:64**

admissibility and presentation at trial of evidence taken domestically or abroad, above

arbitration, 7:106

damages recovery, standards of burden of proof, 7:76

taking of documentary evidence abroad in support of domestic action, below

taking of documentary evidence domestically in support of foreign action, below

taking of evidence against foreign sovereign entities, 7:91

taking of witness evidence abroad in support of domestic action, below

taking of witness evidence domestically in support of foreign action, below

Expansion of application and defense arbitration, 7:104

Expert evidence

taking of witness evidence abroad in support of domestic action, 7:50

taking of witness evidence domestically in support of foreign proceedings, 7:44

Fees. Costs and fees, above

Fee schedules, 7:97

Foreign co-counsel, role, 7:3

Foreign jurisdictions

arbitration rules of Chinese Arbitration Association, Taipei, **40:22**

China, People's Republic of, Arbitration Law, 1994, **40:16**

People's Republic of China, Arbitration Law, 1994, **40:16**

Form of answer or statement of defense, 7:29

Form of complaint or statement of claim, 7:28

Forum non conveniens and equivalent notions, **7:8**

CHINA, PEOPLE'S REPUBLIC —Cont'd

Hague Conventions, 33:4

Hearing, arbitration, 7:105

Immunities and privileges

sovereign immunity, below

taking of documentary evidence abroad in support of domestic action, 7:62

taking of documentary evidence domestically in support of foreign action, 7:57

taking of witness evidence abroad in support of domestic action, 7:51

taking of witness evidence domestically in support of foreign proceedings, 7:45

Injunctions. Interim and conservatory relief, injunctions and similar emergency measures, below

Interest, costs and fees, 7:96

Interim and conservatory relief, injunctions and similar emergency measures

common emergency measures, **7:40** foreign sovereigns, injunction against, **7:92**

parallel proceedings, possible strategies, 7:38

petitions abroad, in connection with domestic proceedings, 7:35

petitions domestically, in support of foreign proceedings, 7:36

property as security device, 7:37

strategies in event of parallel proceedings, 7:38

International arbitration. Arbitration, above

Judicial Assistance in China, 33:4

Jurisdiction and choice of forum

arbitration rules of Chinese Arbitration Association, Taipei, **40:22**

China, People's Republic of, Arbitration Law, 1994, **40:16**

Local procedural requirements at place of action

recognition and enforcement of foreign civil-commercial judgments, 7:81

CHINA, PEOPLE'S REPUBLIC —Cont'd

Local procedural requirements at place of action—Cont'd

service of process abroad to commence domestic action, **7:24**

service of process domestically to commence foreign action, **7:18**

Lost profits damages, specific issues, 7:74

Non-contractual bases, damages recovery in, 7:75

Obtaining jurisdiction and choice of forum

generally, 7:5

ab initio objection to jurisdiction, 7:9

challenges to jurisdiction, 7:8

choice of forum clauses, 7:7 enforcement of jurisdiction, 7:9

forum non conveniens and equivalent notions, 7:8

parallel proceedings, 7:10

party autonomy, 7:7

personal jurisdiction, basis for acceptance, 7:5

property as jurisdictional basis, 7:6 relevance to later efforts to recognize and enforce, 7:9

statutory and other bases, 7:5

subject matter jurisdiction, basis for acceptance, 7:5

Other means and absence of conventions

recognition and enforcement of foreign civil-commercial judgments, **7:80**

service of process abroad to commence domestic action, 7:23

service of process domestically to commence foreign action, 7:17

taking of documentary evidence abroad in support of domestic action, 7:59

taking of documentary evidence domestically in support of foreign action, 7:54

taking of witness evidence abroad in support of domestic action, 7:47

taking of witness evidence domestically in support of foreign

CHINA, PEOPLE'S REPUBLIC —Cont'd

Other means and absence of conventions
—Cont'd

proceedings, 7:41

Parallel proceedings, obtaining jurisdiction and choice of forum, 7:10

Party autonomy

choice of law, 7:13

obtaining jurisdiction and choice of forum, 7:7

People's Republic of China, Arbitration Law, 1994, **40:16**

Personal jurisdiction

obtaining jurisdiction and choice of forum, 7:6

sovereign immunity, 7:90

Petitions abroad, in connection with domestic proceedings, interim and conservatory relief, 7:35

Petitions domestically, in support of foreign proceedings, interim and conservatory relief, 7:36

Pleadings

arbitration, further pleadings, **7:104** arbitration, post-hearing pleadings, **7:107**

Post-hearing pleadings, arbitration, 7:107

Practical problems

appeal and review of transnational judgments, **7:70**

recognition and enforcement of foreign civil-commercial judgments, 7:82

service of process abroad to commence domestic action, 7:25

service of process domestically to commence foreign action, 7:19

summary judgments and equivalent proceedings, 7:33

taking of documentary evidence abroad in support of domestic action, 7:60

taking of documentary evidence domestically in support of foreign action, 7:55

taking of witness evidence abroad in support of domestic action, 7:48

CHINA, PEOPLE'S REPUBLIC CHINA, PEOPLE'S REPUBLIC -Cont'd -Cont'd Practical problems—Cont'd Relevance to later efforts to recognize taking of witness evidence domestiand enforce—Cont'd cally in support of foreign service of process abroad to comproceedings, 7:42 mence domestic action, 7:26 Pre-judgment attachment, sovereign service or process domestically to immunity, 7:92 commence foreign action, 7:20 taking of documentary evidence Preservation measures abroad in support of domestic arbitration, 7:108 action, place of judgment, 7:61 Privileges. Immunities and privileges, taking of documentary evidence above domestically in support of Procedural requirements, summary judgforeign action, place of evidence, ments and equivalent proceedings, 7:56 taking of witness evidence abroad in Product liability, damages recovery, support of domestic action, 7:49 7:75 taking of witness evidence domesti-Proof of foreign law, choice of law, 7:14 cally in support of foreign Property as jurisdictional basis, 7:6 proceedings, 7:43 Property as security device, 7:37 Rights of audience in court, 7:3 Public policy Rules of evidence, arbitration, 7:106 damages, 7:77 Secrecy laws recognition and enforcement of taking of documentary evidence foreign civil-commercial judgdomestically in support of ments, 7:83 foreign action, 7:52 Recognition and enforcement of foreign taking of witness evidence domesticivil-commercial judgments cally in support of foreign action, conventions, 7:79 7:39 default judgments, 7:83 Security discovery, 7:83 costs, security for, 7:94 local procedural requirements at place property as security device, 7:37 of action, 7:81 Service of process abroad to commence other means and absence of convendomestic action tion, 7:80 generally, 7:22 practical problems, 7:82 conventions, 7:22 public policy issues, 7:83 default judgments, 7:27 punitive damages, 7:83 local procedural requirements at place time factors, 7:82 of action, 7:24 other means and absence of conven-Recognition and enforcement of judgtions, 7:23 ments against foreign sovereigns, 7:93 practical problems, 7:25 relevance to later efforts to recognize Relevance to later efforts to recognize and enforce, 7:26 and enforce appeal and review of transnational time factors, 7:25 judgments, 7:72 Service of process domestically to commence foreign action choice of law, 7:13 generally, 7:15 obtaining jurisdiction and choice of forum, 7:9 conventions, 7:16

CHINA, PEOPLE'S REPUBLIC	CHINA, PEOPLE'S REPUBLIC
—Cont'd	—Cont'd
Service of process domestically to com-	Strategic considerations—Cont'd
mence foreign action—Cont'd	complaint or statement of complaint,
default judgments, 7:21	parallel proceedings, 7:38
local procedural requirements at place of action, 7:18	summary judgments and equivalent
other means in absence of convention,	proceedings, 7:34
7:17	Structure of courts. Court structure,
practical problems, 7:19	above Subject matter jurisdiction
relevance to later efforts to recognize and enforce, 7:20	obtaining jurisdiction and choice of
time factors, 7:19	forum, 7:5
Service of process on foreign	sovereign immunity, 7:90
sovereigns, 7:89	Substance and content
Settlement and compromise of proceed-	answer or statement of defense, 7:29
ings	complaint or statement of claim, 7:28
generally, 7:84	Substantive and practical overview of
compromise during enforcement, 7:87	key distinguishing issues in China,
formalities, 7:85	People's Republic, 7:1
kinds of settlement and compromise,	Substantive issues, choice of law, 7:11
7:84	Summary judgments and equivalent
litigation, effect on, 7:86	proceedings
requirements, 7:85	generally, 7:30
Sovereign immunity	practical problems, 7:33
generally, 7:88	procedural requirements, 7:31
enforcement of judgments against	strategic considerations, 7:34
foreign sovereigns, 7:93	substantive requirements, 7:32
personal jurisdiction, 7:90	time factors, 7:33
recognition and enforcement of judg-	Supreme Peoples' Court Opinion on
ments against foreign sovereigns,	Certain Questions for Application
7:93	of Civil Procedure Law, App 7B
service of process on foreign sovereigns, 7:89	Taking of documentary evidence abroad
subject matter jurisdiction, 7:90	in support of domestic action
taking of evidence against foreign	generally, 7:58
sovereign entities, 7:91	admissibility and presentation at trial of evidence taken domestically
Standards of burden of proof for dam-	or abroad, above
ages recovery, 7:76	attorney-client privilege, 7:62
Statement of claim, 7:28	attorney work product privilege, 7:62
Statement of defense, 7:29	conventions, 7:58
Statutory and other bases	other means and absence of conven-
choice of law, 7:11	tions, 7:59
obtaining jurisdiction and choice of	practical problems, 7:60
forum, 7:5	privileges, 7:62
Strategic considerations	relevance to later efforts to recognize
answer or statement of defense, 7:29	and enforce at place of judgment,
appeal and review of transnational	7:61
judgments, 7:71	time factors. 7:60

CHINA, PEOPLE'S REPUBLIC CHINA, PEOPLE'S REPUBLIC -Cont'd -Cont'd Taking of witness evidence domestically Taking of documentary evidence domestically in support of foreign in support of foreign proceedings action —Cont'd generally, 7:52 blocking statutes, 7:39 admissibility and presentation at trial conventions, 7:40 of evidence taken domestically discovery, when and from whom, or abroad, above 7:39 attorney-client privilege, 7:57 expert evidence, special issues, 7:44 attorney work product privilege, 7:57 other means and absence of convenblocking statutes, 7:52 tions, 7:41 conventions, 7:53 practical problems, 7:42 discovery, 7:52 privileges, 7:45 other means and absence of convenrelevance to later efforts to recognize tions, 7:54 and enforce, 7:43 practical problems, 7:55 secrecy laws, 7.39 privileges, 7:57 time factors, 7:42 relevance to later efforts to recognize Time factors and enforce at place of evidence, adjudication, time horizon and 7:56 influencing factors, 7:4 secrecy laws, 7:52 appeal and review of transnational time factors, 7:55 judgments, 7:70 time of discovery, 7:52 recognition and enforcement of Taking of witness evidence abroad in foreign civil-commercial judgsupport of domestic action ments, 7:82 generally, 7:46 service of process abroad to comadmissibility and presentation at trial mence domestic action, 7:25 of evidence taken domestically service of process domestically to or abroad, above commence foreign action, 7:19 attorney-client privilege, 7:51 summary judgments and equivalent attorney work product privilege, 7:51 proceedings, 7:33 conventions, 7:46 taking of documentary evidence expert evidence, special issues, 7:50 abroad in support of domestic other means in absence of convenaction, 7:60 tions, 7:47 taking of documentary evidence practical problems, 7:50 domestically in support of relevance to later efforts to recognize foreign action, 7:52, 7:55 and enforce at place of judgment, taking of witness evidence abroad in 7:49 support of domestic action, 7:48 time factors, 7:48 taking of witness evidence domesti-Taking of witness evidence domestically cally in support of foreign action, 7:39, 7:42 in support of foreign proceedings generally, 7:39 Tort actions admissibility and presentation at trial damages recovery in, 7:75 of evidence taken domestically Witness evidence or abroad, above taking of witness evidence abroad in attorney-client privilege, 7:45 support of domestic action, attorney work product privilege, 7:45 above

CHINA, PEOPLE'S REPUBLIC CHOICE OF LAW-Cont'd -Cont'd India, 15:12 Witness evidence—Cont'd **Ireland** (this index) taking of witness evidence domesti-Italy (this index) cally in support of foreign action, Japan (this index) above **Korea** (this index) Kuwait (this index) **CHOICE OF FORUM** Nigeria (this index) Canada (this index) Philippines, 22:4 Czech Republic, 9:9 **Singapore** (this index) **CHOICE OF FORUM CLAUSES Sweden** (this index) Australia, 2:7 **Switzerland** (this index) Austria, 3:8 **Taiwan** (this index) Belgium, 4:9 **Turkey** (this index) Brazil, 5:8 **United Arab Emirates** (this index) Canada, 6:5 United Kingdom (this index) China, People's Republic, 7:7 United States of America (this index) Czech Republic, 9:9 Uruguay (this index) Finland, 11:7 CIVIL AND COMMERCIAL France, 12:7 **JUDGMENTS** Germany, 13:7 Australia (this index) Hungary, 14:8 Auxiria (this index) India, 15:10 **Belgium** (this index) Ireland, 16:8 **Brazil** (this index) Italy, 17:8 China, People's Republic (this index) Japan, 18:8 Czech Republic (this index) Kuwait, 20:7 Finland (this index) Singapore, 23:6 France (this index) Sweden, 24:7 **Germany** (this index) Switzerland, 25:7 **Hungary** (this index) Taiwan, 26:10 Italy (this index) Turkey, 27:12 **Japan** (this index) CHOICE OF INSTITUTIONAL Korea (this index) Generally, 1:5 **Kuwait** (this index) Sweden (this index) CHOICE OF LAW Switzerland (this index) Australia (this index) Austria (this index) Taiwan (this index) **Belgium** (this index) Turkev (this index) Brazil (this index) **United Kingdom** (this index) Canada (this index) **United States of America** (this index) China, People's Republic (this index) **Uruguay** (this index) Czech Republic (this index) **CLASS ACTIONS** Denmark, 10:4 The Netherlands, Royal Dutch Class Finland (this index) Action Judgment, 42A:3 France (this index) **CLASS ARBITRATION Germany** (this index)

Hungary (this index)

Feasibility, generally, 1:4

CLERKS OF COURT COMPLAINT OR STATEMENT OF CLAIM—Cont'd United Arab Emirates, 28:21 Canada, 6:20 **COMITY** China, People's Republic, 7:28 Switzerland, service of process domesti-Czech Republic, 9:26 cally to commence foreign action, Finland, 11:25 25:15 France, 12:28 **COMMENCEMENT OF SUIT** Germany, 13:26 Australia (this index) Hungary, 14:31 Austria (this index) India, plaint or statement, 15:14 Belgium (this index) Ireland, 16:22 **Brazil** (this index) Italy, 17:16 Canada (this index) Japan, 18:27 China, People's Republic (this index) Korea, 19:23 **Czech Republic** (this index) Kuwait, 20:25 Denmark, 10:7 Singapore, 23:20 Finland (this index) Sweden, 24:27 France (this index) Switzerland, 25:26 Germany (this index) Taiwan, 26:18 **Hungary** (this index) Turkey, 27:32 India, 15:14, 15:15 United States of America, 30:28 Ireland, 16:22, 16:23 Uruguay, 31:19 Italy (this index) CONCILIATION Japan (this index) Cuba, ACFT, 8:5 **Korea** (this index) **Kuwait** (this index) **CONCILIATION PROCEEDINGS** Philippines, 22:7 Switzerland, 25:24 Sweden, 24:27, 24:28 **CONCLUSIVENESS AND FINALITY** Switzerland (this index) **OF JUDGMENTS** Taiwan (this index) Australia, 2:67 Turkey (this index) Austria, 3:80 United Arab Emirates (this index) Belgium, 4:50 **United Kingdom** (this index) Brazil, **5:76 United States of America** (this index) Canada, **6:49** Uruguay (this index) China, People's Republic, 7:67 Czech Republic, 9:57 **COMMERCIAL ARBITRATION** Finland, 11:72 Cuba, 8:1 France, 12:72 **COMMUNITY LAW** Germany, 13:68 Austria, service of process domestically Hungary, 14:75 to commence foreign action, 3:16 India, 15:27

Japan, 18:74

Korea, 19:71

Kuwait, 20:74

Sweden, 24:68

Taiwan, 26:43

Switzerland, 25:59

Index-48

CLAIM

Austria, 3:29

Brazil, 5:27

Australia, 2:26

Belgium, **4:28**

COMPLAINT OR STATEMENT OF

CONCLUSIVENESS AND FINALITY OF JUDGMENTS—Cont'd

Turkey, 27:67 United Kingdom, 29:69 United States of America, 30:66 Uruguay, 31:56

CONCURRENT JURISDICTION

Taiwan, 26:8

CONFLICT OF LAWS

India's Transnational Litigation, Conflict of Laws, Law of Limitation, **40:17**

CONSTITUTIONAL LAW

United Arab Emirates, 28:1, 28:5

CONSTITUTION OF COURTS

Hungary, 14:5

CONSTRUCTION WORK

Brazil, 5:72 Finland, 11:68 France, 12:68 Germany, 13:64 Hungary, 14:74 Japan, 18:72 Korea, 19:67 Kuwait, 20:70 Sweden, 24:65

CONTINGENT FEES

Australia, 2:98

Austria, 3:109
Belgium, 4:76
Canada, 6:81
China, People's Republic, 7:97
Czech Republic, 9:81
France, 12:99
Germany, 13:98
India, 15:43
Ireland, 16:43
Japan, 18:102
Korea, 19:104
Kuwait, 20:107

CONTRACT ACTION

Australia, acceptable kinds of damages recovery in, 2:73

Austria, acceptable kinds of damages recovery in, **3:85**

CONTRACT ACTION—Cont'd

Belgium, acceptable kinds of damages recovery in, **4:54**

Brazil, acceptable kinds of damages recovery in, **5:83**

Canada, 6:53, 6:60

China, People's Republic, acceptable kinds of damages recovery in, 7:73

Czech Republic, acceptable kinds of damages recovery in, **9:62**

European Community/European Union Convention on the Law Applicable to Contractual Obligations, **35:2**

Finland, acceptable kinds of damages recovery in, 11:76

France, acceptable kinds of damages recovery in, 12:78

Germany, acceptable kinds of damages recovery in, 13:74

Hungary, acceptable kinds of damages recovery in, 14:81

India, acceptable kinds of damages recovery in, 15:31

Japan, acceptable kinds of damages recovery in, 18:78

Korea, acceptable kinds of damages recovery in, **19:79**

Kuwait, acceptable kinds of damages recovery in, **20:80**

Sweden, acceptable kinds of damages recovery in, **24:74**

Switzerland, acceptable kinds of damages recovery in, **25:65**

Taiwan, acceptable kinds of damages recovery in, 26:46

Turkey, acceptable kinds of damages recovery in, 27:70

United Kingdom, acceptable kinds of damages recovery in, 29:73

United States of America, acceptable kinds of damages recovery in, 30:71

Uruguay, acceptable kinds of damages recovery in, 31:60

CONVENTION ABOLISHING THE REQUIREMENT FOR LEGALIZATION FOR FOREIGN PUBLIC DOCUMENTS

Generally, 33:15

CONVENTION ON CIVIL PROCEDURE Generally, 33:14 CONVENTION ON COMBATING BRIBERY OF FOREIGN PUB OFFICIALS IN

BRIBERY OF FOREIGN PUBLIC OFFICIALS IN INTERNATIONAL BUSINESS TRANSACTIONS

Generally, **37:1**Contracting parties, **37:2**Related documents, **37:1**

CONVENTION ON CONTRACTS FOR THE INTERNATIONAL SALE OF GOODS

Generally, 34:2

CONVENTION ON SERVICE ABROAD OF JUDICIAL AND EXTRAJUDICIAL DOCUMENTS IN CIVIL OR COMMERCIAL MATTERS

Generally, 33:13

CONVENTIONS, GENERALLY

Australia (this index) Austria (this index) Belgium (this index)

Bilateral Treaties and Conventions

(this index) **Brazil** (this index) **Canada** (this index)

China, People's Republic (this index)

Czech Republic (this index)

Finland (this index)
France (this index)
Germany (this index)
Hungary (this index)

India, international arbitration in conventions to which India is party, 15:45

Ireland, international arbitration in conventions to which Ireland is

party, 16:45

Italy (this index)

Japan (this index)

Korea (this index)

Kuwait (this index)

Singapore (this index)

Sweden (this index)

CONVENTIONS, GENERALLY

-Cont'd

Switzerland (this index)
Taiwan (this index)
Turkey (this index)

United Kingdom (this index)

United States of America (this index)

Uruguay (this index)

COSTS AND FEES

Australia (this index)
Austria (this index)
Belgium (this index)
Brazil (this index)
Canada (this index)

China, People's Pepublic (this index)

Cuba (this index)

Czech Republic (this index)

Denmark, 18:20
Finland (this index)
France (this index)
Germany (this index)
Hungary (this index)
India (this index)
Ireland (this index)

Italy, **17:46**

Japan (this index)
Korea (this index)
Kuwait (this index)
Philippines, 22:20
Singapore (this index)
Sweden (this index)
Switzerland (this index)
Taiwan (this index)
Turkey (this index)

United Kingdom (this index)

United States of America (this index)

Uruguay (this index)

COUNCIL OF EUROPEAN UNION

Jurisdiction and choice of forum
Regulation (EC) No. 44/2001, 22
Dec. 2000, on jurisdiction and recognition and enforcement of judgments in civil and commercial matters, 40:6

COUNCIL OF EUROPEAN UNION —Cont'd	COURT STRUCTURE—Cont'd China, People's Republic (this index)
Recognition and enforcement of foreign	Czech Republic (this index)
civil and commercial judgments	Denmark, 10:2
Regulation (EC) No. 44/2001, 22	Finland (this index)
Dec. 2000, on jurisdiction and	France (this index)
recognition and enforcement of	Germany (this index)
judgments in civil and com- mercial matters, 40:6	Hungary (this index)
Regulation (EC) No. 44/2001, 22 Dec.	India (this index)
2000, on jurisdiction and recogni-	Ireland (this index)
tion and enforcement of judgments	Japan (this index)
in civil and commercial matters,	Korea (this index)
40:6	Kuwait (this index)
COUNCIL OF EUROPE	Nigeria, 21:3
CONVENTIONS	Philippines, 22:2
Generally, 36:1 to 36:7	Singapore (this index)
Agreement Relating to Application of	Sweden (this index)
the European Convention on	Switzerland (this index)
International Commercial Arbitra-	Turkey (this index)
tion, 36:7	United Arab Emirates (this index)
Contracting states, 36:1	United Kingdom (this index)
Convention on Information on Foreign	United States of America (this index)
Law, 36:2 Convention on Obtaining Abroad of	Uruguay (this index)
Information and Evidence in	Vietnam, 32:4
Administrative Matters, 36:5	CUBA
Convention on State Immunity, 36:4	
Convention on the Abolition of Legal-	Generally, 8:1 to 8:31
ization of Documents Executed by	Administrative provisions, CCICA, 8:19
Diplomatic Agents or Consular	Arbitration Court for Foreign Trade
Officers, 36:3	generally, 8:3 ACFT conciliation, 8:5
Convention Providing a Uniform Law on Arbitration 36:6	awards, 8:9
on Aromation, 30.0	formation, 8:4
COUNTERCLAIMS	future improvements, 8:28
Austria, 3:31	
Singapore, 23:22	governing law, 8:6
Switzerland, 25:31	jurisdiction, 8:4
United Arab Emirates, 28:39	party nationality, 8:7
COURT OF CASSATION	performance, 8:10
United Arab Emirates (this index)	procedures, 8:8
, ,	referees, 8:8 Awards
COURT STRUCTURE	CCICA, 8:18, 8:23
Australia (this index)	Cuba's ACFT, 8:9
Austria (this index)	Commercial arbitration, generally, 8:1
Belgium (this index)	
Brazil (this index)	Comparative table, 8:31
Canada (this index)	Conciliation, ACFT, 8:5

CUBA—Cont'd	CUBA—Cont'd
Cuban Court of International Com-	Regulations, CCICA, 8:20 to 8:26
mercial Arbitration	CUBAN COURT OF
generally, 8:11	INTERNATIONAL
additional procedural provisions, 8:21	COMMERCIAL ARBITRATION
administrative provisions, 8:19	(CCICA)
awards, 8:18, 8:23	Cuba (this index)
ethics codes, 8:25	
fees, 8:26	CURRENCY CONVERSION,
governing law, 8:15	DAMAGES RECOVERY
hearing, 8:22	Australia, 2:78
judicial assistance, 8:17	Austria, 3:90
jurisdiction, 8:13	Belgium, 4:60
location of proceedings, 8:16	Brazil, 5:88
mediation services, 8:24	Canada, Quebec, 6:66
mediators, 8:25	China, People's Republic, 7:78
procedural provisions, 8:21	Czech Republic, 9:66
procedure, 8:14	Finland, 11:81
referees, 8:12, 8:25	France, 12:82
regulations, 8:20 to 8:26	Germany, 13:79
Ethics codes, 8:25	Japan, 18:83
Fees	Korea, 19:84
CCICA, 8:26	Kuwait, 20:85
comparison, fees in future, 8:29	Sweden, 24:79
Formation, Cuba's ACFT, 8:4	Switzerland, 25:70
Future	Turkey, 27:75
generally, 8:27	United Kingdom, 29:78
fee comparison, 8:29	United States of America, 30:76
improvements over ACFT, 8.28	Uruguay, 31:65
Governing law	CZECH REPUBLIC
CCICA, 8:15	Generally, 9:1 to 9:108
Cuba's ACFT, 8:6	Ab initio objection to jurisdiction, 9:11
Hearing, CCICA, 8:22	Acts and other legal regulations, App
Judicial assistance, CCICA, 8:17	9D
Jurisdiction	Admissibility and presentation at trial of
CCICA, 8:13	evidence taken domestically or
Cuba's ACFT, 8:4	abroad, 9:55
Location of proceedings, CCICA, 8:16	Agricultural chamber of Czech Republic
Mediation services, CCICA, 8:24	for international disputes, rules of
Mediators, CCICA, 8:25	procedure of arbitration court
Party nationality, Cuba's ACFT, 8:7	attached to, 9:99
Performance, Cuba's ACFT, 8:10	Answer or statement of defense, 9:27
Procedures	Appeal and review of transnational
CCICA, 8:14, 8:21	judgments
Cuba's ACFT, 8:8	generally, 9:56
Referees	conclusiveness and finality of judg-
CCICA, 8:12, 8:25	ments, generally, 9:57
Cuba's ACFT, 8:8	practical problems, 9:60

CZECH REPUBLIC—Cont'd	CZECH REPUBLIC—Cont'd
Appeal and review of transnational	Arbitration—Cont'd
judgments—Cont'd	Secretary and administrative
procedural issues, 9:58	background, 9:101
relevance to later efforts, 9:61	setting aside or vacating arbitral
substantive issues, 9:59	award, 9:95
Appeal of arbitrator's decision, 9:94	simplified proceedings, 9:100
Arbitration	specific costs, 9:107
generally, 9:82	statute, 9:84
agricultural chamber of Czech Repub-	time limit to issue award, 9:93
lic for international disputes,	UNCITRAL model law, 9:85, 9:95
rules of procedure of arbitration	written evidence as basis for simpli-
court attached to, 9:99	fied proceedings, 9:100
appeal of arbitrator's decision, 9:94	Attachment
arbitration fee and lump sum for	post-judgment attachment, sovereign
covering costs, 9:103, 9:104	immunity, 9:77
confidentiality, 9:90	pre-judgment at achment, sovereign immunity, 9:76
conventions, 9:83 costs of proceedings, 9:102 to 9:108	Attorney fees, 0.81
duties of arbitrators, 9:92	Attorneys representation at arbitration
economic chamber of Czech Repub-	proceedings, 9:87
lic, rules of procedure of arbitra-	Audience in court, rights, 9:4
tion court attached to, 9:99	Busieral Treaties on Legal Assistance,
enforcement of agreement to arbitrate,	App 9B
9:88	Challenges to jurisdiction, 9:10
enforcement of awards made outside	Choice of forum clauses, 9:9
Czech Republic, 9:96	Choice of law
fee for objection to jurisdiction of	choice of law clauses, 9:14
arbitration court, 9:106	foreign substantive law, bases for
institutions, 9:97 to 9:108	application, 9:13
jurisdiction of arbitrators, 9:89	party autonomy, 9:14
lump sum for covering costs, 9:103, 9:104	relevance to later efforts to recognize and enforce, 9:15
objection to jurisdiction of arbitration	statutory and other bases for applica-
court, fee, 9:106	tion of foreign substantive law,
payment of costs, 9:108	9:13
preliminary relief, 9:91	Commencement of suit
qualifications of arbitrators, 9:86	answer or statement of defense, 9:27
recommended wording of arbitration	complaint or statement of claim, 9:26
clause, 9:98	form of answer or statement of
return of fee and lump sum for cover-	defense, 9:27
ing costs, 9:105	form of complaint or statement of claim, 9:26
rights of representation, 9:87	statement of claim, 9:26
rules of procedure of arbitration court	
attached to economic and agri-	statement of defense, 9:27
cultural chambers of Czech Republic, 9:99	strategic considerations, answer or statement of defense, 9:27
Rules of the Arbitration Court of the Czech Republic, 41:21	strategic considerations, complaint or statement of claim, 9:26

CZECH REPUBLIC—Cont'd CZECH REPUBLIC—Cont'd Commencement of suit-Cont'd Costs and fees-Cont'd substance and content of answer or interest, 9:80 statement of defense, 9:27 security for costs, 9:78 substance and content of complaint or Court structure statement of claim, 9:26 adjudication, time horizon and Complaint or statement of claim, 9:26 influencing factors, 9:5 Conclusiveness and finality of judgaudience rights, 9:4 ments, generally, 9:57 basis of court hearing, 9:6 Confidentiality of arbitration proceedforeign co-counsel, role, 9:4 ings, **9:90** general structure, 9:3 Consular Treaties of Czech Republic, Currency conversion, damages recovery, App 9C 9:66 Content Damages answer or statement of defense, 9:27 generally, 9:62 complaint or statement of claim, 9:26 acceptable kinds of damages recovery Contingencies and fee schedules, 9:81 in contract 2:62 Contract, acceptable kinds of damages currency conversion, 9:66 recovery in, 9:62 lost profits damages, specific issues, Conventions 9:63 international arbitration conventions public policy constraints, 9:65 to which Czech Republic is standards of burden of proof for party, 9:83 recovery, 9:64 International Conventions, App 9A Default judgments, service of process recognition and enforcement of abroad to commence domestic foreign civil-commercial judgaction, 9:25 ments, 9:67 Economic chamber of Czech Republic, service of process abroad to comrules of procedure of arbitration mence domestic action 9:21 court attached to, 9:99 service of process domestically to Enforcement of agreement to arbitrate, commence foreign action, 9:16 9:88 taking of documentary evidence Enforcement of arbitration awards made abroad in support of domestic outside Czech Republic, 9:96 action, 9:51 Enforcement of judgments against taking of documentary evidence foreign sovereigns, 9:76, 9:77 domestically in support of Enforcement of jurisdiction, 9:11 foreign action, 9:47 taking of witness evidence abroad in Evidence support of domestic action, 9:41 admissibility and presentation at trial taking of witness evidence domestiof evidence taken domestically or abroad, 9:55 cally in support of foreign proceedings, 9:36 damages recovery, standards of Costs and fees burden of proof, 9:64 generally, 9:78 expert evidence, below arbitration proceedings, 9:102 to taking of evidence against foreign 9:108 sovereign entities, 9:75 attorney fees, 9:81 Expert evidence contingencies and fee schedules, 9:81 taking of witness evidence abroad in court costs, 9:79 support of domestic action, 9:45

CZECH REPUBLIC—Cont'd	CZECH REPUBLIC—Cont'd
Expert evidence—Cont'd	Obtaining jurisdiction—Cont'd
taking of witness evidence domesti-	party autonomy, 9:9
cally in support of foreign proceedings, 9:40	personal jurisdiction, basis for acceptance, 9:7
Fee schedules and contingencies, 9:81	property as jurisdictional basis, 9:8
Foreign co-counsel, role, 9:4	relevance to later efforts to recognize
Form of answer or statement of defense,	and enforce, 9:11
9:27	statutory and other bases, 9:7
Form of complaint or statement of claim, 9:26	subject matter jurisdiction, basis for acceptance, 9:7
Forum non conveniens and equivalent	Other means and absence of conventions
notions, 9:10	recognition and enforcement of
Hearings	foreign civil-commercial judg-
court structure, basis of court hearing,	ments, 9:68
9:6	service of process abroad to com-
Immunities and privileges, Sovereign immunity, below	mence don'estic action, 9:22
Interest, costs and fees, 9:80	service of process domestically to
Interim and conservatory relief, injunc-	commence foreign action, 9:17
tions and similar emergency	taking evidence
measures	action, 9:52
foreign sovereigns, injunction against,	usking of documentary evidence
9:76, 9:77	domestically in support of
petitions abroad, in connection with	foreign action, 9:48
domestic proceedings, 9:33	taking of witness evidence abroad in
petitions domestically, in support of	support of domestic action, 9:42
foreign proceedings, 9:34	taking of witness evidence domesti-
Jurisdiction of arbitrators, 9:89	cally in support of foreign
Literature, App 9E	proceedings, 9:37
Local procedural requirements at place of action	Parallel proceedings, obtaining jurisdiction, 9:12
recognition and enforcement of	Party autonomy
foreign civil commercial judg-	choice of law, 9:14
ments, 9:69	obtaining jurisdiction, 9:9
service of process domestically to commence foreign action, 9:18	Personal jurisdiction
Lost profits damages, specific issues,	obtaining jurisdiction, 9:7
9:63	sovereign immunity, 9:74
Obtaining jurisdiction	Petitions abroad, in connection with
generally, 9:7	domestic proceedings, interim and
ab initio objection to jurisdiction,	conservatory relief, 9:33
9:11	Petitions domestically, in support of foreign proceedings, interim and
challenges to jurisdiction, 9:10	conservatory relief, 9:34
choice of forum clauses, 9:9	Post-judgment attachment, sovereign
enforcement of jurisdiction, 9:11	immunity, 9:77
forum non conveniens and equivalent	Practical problems
notions, 9:10	appeal and review of transnational
parallel proceedings, 9:12	judgments, 9:60

CZECH REPUBLIC—Cont'd CZECH REPUBLIC—Cont'd Practical problems—Cont'd Relevance to later efforts to recognize recognition and enforcement of and enforce-Cont'd foreign civil-commercial judgchoice of law, 9:14 ments, 9:70 obtaining jurisdiction, 9:11 service of process abroad to comservice of process abroad to commence domestic action, 9:23 mence domestic action, 9:24 service of process domestically to service or process domestically to commence foreign action, 9:19 commence foreign action, 9:20 summary judgments and equivalent summary judgments and equivalent proceedings, 9:31 proceedings, 9:32 taking of documentary evidence taking of documentary evidence abroad in support of domestic abroad in support of domestic action, 9:53 action, place of judgment, 9:54 taking of documentary evidence taking of documentary evidence domestically in support of domestically in support of foreign action, 9:49 foreign action, place of evidence, taking of witness evidence abroad in 9:50 support of domestic action, 9:43 taking of witness evidence abroad in taking of witness evidence domestisupport of domestic action, 9:44 cally in support of foreign taking of witness evidence domestiproceedings, 9:38 cally in support of foreign Pre-judgment attachment, sovereign proceedings, 9:39 immunity, 9:76 Rights of audience in court, 9:4 Procedural requirements, summary judg-Rules of procedure of arbitration court ments and equivalent proceedings. attached to economic and agricultural chambers of Czech Republic, Property as jurisdictional basis, 9:8 9:99 Public policy Security for costs, 9:78 damages, 9:65 Service of process abroad to commence recognition and enforcement of domestic action foreign civil-commercial judggenerally, 9:21 ments, 9:71 conventions, 9:21 Recognition and enforcement of foreign default judgments, 9:25 civil-commercial judgments other means and absence of convenconventions, 9:67 tions, 9:22 local procedural requirements at place practical problems, 9:23 of action, 9:69 relevance to later efforts to recognize other means and absence of convenand enforce, 9:24 tion, 9:68 time factors, 9:23 practical problems, 9:70 Service of process domestically to compublic policy issues, 9:71 mence foreign action time factors, 9:70 generally, 9:16 Recognition and enforcement of judgconventions, 9:16 ments against foreign sovereigns, 9:76, 9:77 local procedural requirements at place of action, 9:18 Relevance to later efforts to recognize and enforce other means in absence of convention, 9:17 appeal and review of transnational practical problems, 9:19

judgments, 9:61

CZECH REPUBLIC—Cont'd	CZECH REPUBLIC—Cont'd
Service of process domestically to com-	Substantive and practical overview of
mence foreign action—Cont'd	key distinguishing issues in Czech
relevance to later efforts to recognize	Republic, 9:1
and enforce, 9:20	generally, 9:1
time factors, 9:19	civil procedure law, principles, 9:2
Service of process on foreign	legal order, principles, 9:1
sovereigns, 9:73	Substantive issues, choice of law, 9:13
Settlement and compromise of proceed-	Summary judgments and equivalent
ings	proceedings
generally, 9:72	generally, 9:28
formalities, 9:72	practical problems, 9:31
kinds of settlement and compromise,	procedural requirements, 9:29
9:72	relevance to later efforts to recognize
requirements, 9:72	and enforce, 9:32
Sovereign immunity	substantive requirements, 9:30
generally, 9:73	time factors, 9:31
enforcement of judgments against	Taking of documentary evidence abroad
foreign sovereigns, 9:76, 9:77	in support of domestic action
personal jurisdiction, 9:74	generally 9:51
recognition and enforcement of judg-	admirsibility and presentation at trial
ments against foreign sovereigns,	of evidence taken domestically
9:76, 9:77	or abroad, 9:55
service of process on foreign sovereigns, 9:73	conventions, 9:51
subject matter jurisdiction, 9:74	other means and absence of conventions, 9:52
taking of evidence against foreign	practical problems, 9:53
sovereign entities, 9:75	relevance to later efforts to recognize
Standards of burden of proof for dam-	and enforce at place of judgment,
ages recovery, 9:64	9:54
Statement of claim, 9:26	time factors, 9:53
Statement of defense, 9 27	Taking of documentary evidence
Statutory and other bases	domestically in support of foreign
choice of law, 9:13	action
obtaining jurisdiction and choice of	generally, 9:46
forum, 9:7	admissibility and presentation at trial
Strategic considerations	of evidence taken domestically
answer or statement of defense, 9:27	or abroad, 9:55
complaint or statement of complaint,	blocking statutes, 9:46
9:26	conventions, 9:47
Structure of courts. Court structure,	discovery, 9:46
above Subject matter jurisdiction	other means and absence of conven-
obtaining jurisdiction and choice of	tions, 9:48
forum, 9:7	practical problems, 9:49
sovereign immunity, 9:74	relevance to later efforts to recognize and enforce at place of evidence,
Substance and content	9:50
answer or statement of defense, 9:27	secrecy laws, 9:46
complaint or statement of claim, 9:26	time factors, 9:49
complaint of statement of claim, 7.20	11110 1001015, 7.T/

CZECH REPUBLIC—Cont'd CZECH REPUBLIC—Cont'd Taking of documentary evidence Time factors—Cont'd summary judgments and equivalent domestically in support of foreign proceedings, 9:31 action-Cont'd taking of documentary evidence time of discovery, 9:46 abroad in support of domestic Taking of witness evidence abroad in action, 9:53 support of domestic action taking of documentary evidence generally, 9:41 domestically in support of admissibility and presentation at trial foreign action, 9:46, 9:49 of evidence taken domestically taking of witness evidence abroad in or abroad, 9:55 support of domestic action, 9:43 conventions, 9:41 taking of witness evidence domestiexpert evidence, special issues, 9:45 cally in support of foreign action, other means in absence of conven-9:35, 9:38 tions, 9:42 UNCITRAL model law, international practical problems, 9:43 arbitration, 9:85 relevance to later efforts to recognize Witness evidence and enforce at place of judgment, taking of witness evidence abroad in 9:44 support of domestic action, time factors, 9:43 above Taking of witness evidence domestically taking of witness evidence domestiin support of foreign proceedings cally in support of foreign action, generally, 9:35 above admissibility and presentation at trial DAMAGES of evidence taken domestically Australia (this index) or abroad, 9:55 Austria (this index) blocking statutes, 9:35 **Belgium** (this index) conventions, 9:36 Brazil (this index) discovery, when and from whom, Canada (this index) 9:35 China, People's Republic (this index) expert evidence, special issues, 9:40 Denmark, 10:16 other means and absence of conven-Finland (this index) tions, 9:37 France (this index) practical problems, 9:38 **Germany** (this index) relevance to later efforts to recognize **Hungary** (this index) and enforce, 9:39 India (this index) secrecy laws, 9:35 Ireland, 16:31 time factors, 9:38 Italy, 17:41 Time factors **Japan** (this index) arbitration award, time limit to issue, **Korea** (this index) 9:93 **Kuwait** (this index) recognition and enforcement of Philippines, 22:13, 22:16 foreign civil-commercial judg-Singapore, 23:42 ments, 9:70 Sweden (this index) service of process abroad to com-**Switzerland** (this index) mence domestic action, 9:23 **Taiwan** (this index) service of process domestically to

Turkey (this index)

commence foreign action, 9:19

DAMAGES-Cont'd DENMARK—Cont'd **United Kingdom** (this index) Compromise of proceedings, 10:18 **United States of America** (this index) Conventions, Table of Conventions, App 10A Uruguay (this index) Costs and fees, 10:20 **DEBTOR'S ACT REMEDIES** Court structure, 10:2 Singapore, 23:34 Damages, 10:16 **DEFAULT JUDGMENTS** Documentary evidence taking of documentary evidence Australia (this index) abroad in support of domestic Austria (this index) action, 10:13 **Belgium** (this index) taking of documentary evidence **Brazil** (this index) domestically in support of Canada, 6:19 foreign action, 10:12 China, People's Republic (this index) Enforcement of foreign civil-com-Czech Republic, 9:25 mercial judgments, 10:17 **Finland** (this index) Evidence France (this index) admissibility and presentation at trial **Germany** (this index) of evidence taken domestically **Hungary** (this index) or abroad, 10:14 Japan (this index) taking of documentary evidence Korea (this index) abroad in support of domestic **Kuwait** (this index) action, 10:13 Singapore, service of process abroad to taking of documentary evidence commence domestic action, 23:18 domestically in support of Sweden (this index) foreign action, 10:12 Switzerland (this index) taking of witness evidence abroad in Taiwan, 26:17 support of domestic action, 10:11 **Turkey** (this index) taking of witness evidence domesti-United Arab Emirates, 28:43 cally in support of foreign United States of America (this index) proceedings, 10:10 **DEFENSE** Fees and costs. 10:20 United Arab Emirates, 28:34 Foreign civil-commercial judgments, recognition and enforcement, 10:17 **DEFENSES** Immunity of sovereign, 10:19 Singapore, 23:21, 23:23, 23:47 Interim and conservatory relief, injunctions and similar emergency DELICT measures, 10:9 Canada, Quebec, 6:62 International arbitration, 10:21 **DENMARK** Obtaining jurisdiction and choice of Generally, 10:1 to 10:21 forum, **10:3** Admissibility and presentation at trial of Recognition and enforcement of foreign evidence taken domestically or civil-commercial judgments, 10:17 abroad, 10:14 Service of process abroad to commence Appeal and review of transnational domestic action, 10:6 judgments, 10:15 Service of process domestically to com-Arbitration, 10:21 mence foreign action, 10:5 Choice of law, 10:4 Settlement and compromise of proceed-

Commencement of suit, 10:7

ings, 10:18

DENMARK-Cont'd

Sovereign immunity, 10:19

Structure of court system, 10:2

Substantive and practical overview of key distinguishing issues in Denmark, 10:1

Summary judgments and equivalent proceedings, **10:8**

Table of Authorities, App 10C

Table of Cases, App 10D

Table of Conventions, App 10A

Table of Statutes, App 10B

Taking of documentary evidence abroad in support of domestic action, 10:13

Taking of documentary evidence domestically in support of foreign action, 10:12

Taking of witness evidence abroad in support of domestic action, 10:11

Taking of witness evidence domestically in support of foreign proceedings, 10:10

Witness evidence

taking of witness evidence abroad in support of domestic action, 10:11

taking of witness evidence domestically in support of foreign proceedings, 10:10

DIPLOMATIC AND CONSULAR RELATIONS

Council of Europe Convention on the Abolition of Legalization of Documents Executed by Diplomatic Agents or Consular Officers, **36:3**

France, immunity of diplomatic officers, 12:93

Ireland, sovereign immunity for diplomat officers, 16:37

Italy, 17:45

UN Convention on Consular Relations, **34:6**

UN Convention on Diplomatic Relations, **34:5**

DISCLOSURE

Italy, orders for disclosure, 17:32

DISCOVERY

Generally, 1:3

Australia (this index)

Austria (this index)

Belgium, taking of witness evidence domestically in support of foreign proceedings, **4:36**

Brazil (this index)

China, People's Republic (this index)

Finland (this index)

France (this index)

Germany (this index)

Hungary, 14:92

Hungary (this index)

India, 15:22

Italy, taking of documentary evidence domestically in support of foreign action, 17:27

Japan (this index)

Korea (this index)

Kuwait (this index)

Sweden (this index)

Tarkey (this index)

United Arab Emirates, 28:38

United Kingdom (this index)

DISCRETION

Korea, discretion in situations involving sovereign immunity, **19:100**

DOCUMENTARY EVIDENCE

Australia (this index)

Austria (this index)

Belgium, 4:45, 4:46

Brazil (this index)

China, People's Republic (this index)

Denmark, 10:12, 10:13

Finland (this index)

France (this index)

Germany (this index)

Hungary (this index)

India (this index)

Ireland, 16:28

Italy (this index)

Japan (this index)

Korea (this index)

Kuwait (this index)

Philippines, 22:12, 22:13

Singapore (this index)

Index-60

DOCUMENTARY EVIDENCE

-Cont'd

Sweden (this index)

Switzerland (this index)

Taiwan, 26:42

Turkey (this index)

United Kingdom (this index)

United States of America (this index)

Uruguay (this index)

DOCUMENTS

European Community/European Union Convention on the Service in the Member States of the European Union of Judicial and Extrajudicial Documents in Civil and Commercial Matters, 35:3

DUPLICATIO

Switzerland, 25:29

EGYPT

Cairo Regional Centre for International Commercial Arbitration ADR rules, **41:17** rules of arbitration, **41:16**

ENFORCEMENT OF FOREIGN ARBITRAL AWARDS

Austria, 3:126

Belgium, 4:91

India, 15:58

Ireland, 16:59

Nigeria, 21:24

United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards, **34:4**

ENFORCEMENT OF JUDGMENT OF LAGOS STATE HIGH COURT

Nigeria, 21:16

ENFORCEMENT OF JUDGMENTS

European Community/European Union Convention on Jurisdiction and Enforcement of Judgments in Civil and Commercial Matters, 35:4

ENFORCEMENT OF JUDGMENTS AGAINST FOREIGN SOVEREIGNS

Australia, 2:92

ENFORCEMENT OF JUDGMENTS AGAINST FOREIGN SOVEREIGNS—Cont'd

Austria, 3:104

Belgium, 4:71

Brazil, 5:103, 5:104

Canada, 6:76, 6:77

China, People's Republic, 7:93

Czech Republic, 9:76, 9:77

Finland, 11:92, 11:93

Germany, 13:92, 13:93

Japan, 18:97, 18:98

Korea, 19:99

Kuwait, 20:102

Sweden, 24:91, 24:92

Switzerland, 25:81, 25:82

Turkey, 27:90, 27.91

United Kingdom, 29:92, 29:94

United States of America, 30:89, 30:90

Uruguay, 31:75, 31:76

ESTYMATING OATH

taly, 17:36

ESTIMATING OATHS

Italy, admissibility and presentation at trial of evidence taken domestically or abroad, 17:36

ETHICS CODES

Cuba, 8:25

EUROPEAN

COMMUNITY/EUROPEAN UNION CONVENTIONS

Generally, 35:1 to 35:5

Contracting States to the European Community/European Union Conventions, 35:1

Convention on Jurisdiction and Enforcement of Judgments in Civil and Commercial Matters, **35:3**, **35:4**

Convention on the Law Applicable to Contractual Obligations, **35:2**

Convention on the Service in the Member States of the European Union of Judicial and Extrajudicial Documents in Civil and Commercial Matters, **35:3**

United Arab Emirates (this index)

EUROPEAN CONVENTIONS EVIDENCE—Cont'd **Kuwait** (this index) Council of Europe Conventions (this index) Lagos state high court of Nigeria, 21:15 European Community/European Nigeria, Lagos state high court, 21:15 **Union Conventions** (this index) **Philippines** (this index) Recommendations of Hague Special **EUROPEAN PARLIAMENT AND** Commission on Service, Taking of **COUNCIL OF EUROPEAN** Evidence, and Access to Justice **UNION** Convention, 33:16 Foreign jurisdictions **Singapore** (this index) Regulation (EC) No. 846/2007, 11 Standards of burden of proof for dam-July 2007, on law applicable to ages recovery non-contractual obligations Australia, 2:76 (Rome II), 40:8 Austria, 3:88 **EUROPEAN UNION** Belgium, 4:58 Foreign jurisdictions Brazil, 5:86 European Union Directive on Media-Canada, **6:64** tion, 40:9 China, People's Republic, 7:76 Mediation, European Union Directive Czech Republic, 9:64 on. 40:9 Finland, 11:79 France, 12:80 **EVIDENCE** Germany, 13:77 Australia (this index) **Austria** (this index) Hungary, 14:86 **Belgium** (this index) India. 15:35 **Brazil** (this index) Japan, 18:81 Canada (this index) Korea, 19:82 China, People's Republic (this index Kuwait, 20:83 Convention on Taking of Evidence Sweden, 24:77 Abroad in Civil or Commercial Switzerland, 25:68 Matters, 33:14 Turkey, 27:73 Council of Europe Convention on United Kingdom, 29:76 Obtaining Abroad of Information United States of America, 30:74 and Evidence in Administrative Uruguay, 31:63 Matters, 36:5 Sweden (this index) Czech Republic (this index) **Switzerland** (this index) Denmark (this index) Taiwan (this index) **Finland** (this index) Turkey (this index) France (this index) United Arab Emirates, 28:36 **Germany** (this index) **United Arab Emirates** (this index) Hague Convention on Taking of Evi-**United Kingdom** (this index) dence Abroad in Civil or Com-United States of America (this index) mercial Matters, 33:14 **Uruguay** (this index) **Hungary** (this index) India (this index) **EXCLUSIVE JURISDICTION Ireland** (this index) Taiwan, 26:9 Italy (this index) **EXECUTION PROCEEDINGS** Japan (this index)

Korea (this index)

EXPERT EVIDENCE	FEE SCHEDULES—Cont'd
Australia (this index)	India, 15:43
Austria (this index)	Ireland, 16:44
Belgium, taking of witness evidence	Japan, 18:102
domestically in support of foreign	Korea, 19:104
proceedings, 4:40	Kuwait, 20:107
Brazil (this index)	United Kingdom, 29:98
China, People's Republic (this index)	omica imigaom, 2000
Czech Republic (this index)	FINLAND
Finland (this index)	Generally, 11:1 to 11:106
France, taking of witness evidence	Ab initio objection to jurisdiction, 11:9
domestically in support of foreign	Admiralty actions, admissibility and
proceedings, 12:46	presentation at trial of evidence
Germany (this index)	taken domestically or abroad,
Hungary (this index)	11:71
Italy, admissibility and presentation at	Admissibility and presentation at trial of
trial of evidence taken domestically or abroad, 17:38	evidence taken domestically or
Japan (this index)	abroad
	admiralty and maritime actions, 11:71
Korea (this index) Kuwait (this index)	agency, 11:65
Sweden, taking of witness evidence	charter party, 11:69
domestically in support of foreign	construction work, 11:68
proceedings, 24:44	general commercial, 11:62
Switzerland, admissibility and presenta-	general requirements and practices,
tion at trial of evidence taken	insurance, 11:70
domestically or abroad, 25:57	intellectual property, 11:64
Taiwan, 26:27	principal and agent, 11:65
Turkey, 27:51	product liability, 11:67
Taiwan, 26:27 Turkey, 27:51 United Arab Emirates, 28:36 United Kingdom (this index)	sale of goods, 11:63
United Kingdom (this index)	tort action, 11:66
United States of America (this index)	Agency, admissibility and presentation
Uruguay (this index)	at trial of evidence taken domesti-
EXPRESS CHOICE OF LAW BY	cally or abroad, 11:65
PARTIES	Answer or statement of defense, 11:26
Nigeria, 21:11	Appeal and review of transnational
FEES	judgments
	generally, 11:72
Costs and Fees (this index)	conclusiveness and finality of judg-
FEE SCHEDULES	ments, generally, 11:72
Australia, 2:98	extraordinary appeal, 11:74
Austria, 3:109	ordinary appeal, 11:73
Belgium, 4:76	Appendices of relevant conventions,
Canada, 6:81	App 11E
China, People's Republic, 7:97	Arbitration
Czech Republic, 9:81	generally, 11:100
France, 12:99	arbitrators, 11:102
Germany, 13:98	awards, 11:104

FINLAND—Cont'd FINLAND—Cont'd Arbitration—Cont'd Blocking statutes—Cont'd taking of witness evidence domestienforcement of arbitral awards, 11:105 cally in support of foreign proceedings, 11:36, 11:50 institutions, 11:106 Challenges to jurisdiction, 11:8 proceedings, 11:103 Charter party, admissibility and presenregulation in Finland, 11:101 tation at trial of evidence taken taking of witness evidence domestidomestically or abroad, 11:69 cally in support of foreign Choice of forum clauses, 11:7 proceedings, 11:43 Attachment Choice of law post-judgment attachment, sovereign choice of law clauses, 11:11 immunity, 11:92 foreign substantive law, bases for pre-judgment attachment, sovereign application, 11:11 immunity, 11:92 party autonomy, 11:11 Attorney-client privilege relevance to later efforts to recognize taking of documentary evidence and enforce, 11:12 abroad in support of domestic statutory and other bases for applicaaction, 11:60 tion of Greign substantive law, taking of documentary evidence 11:11 domestically in support of Civil and commercial judgments. Recforeign action, 11:55 ognition and enforcement of taking of witness evidence abroad in foreign civil and commercial judgsupport of domestic action, ments, below 11:49 Commencement of suit taking of witness evidence domestianswer or statement of defense. 11:26 cally in support of foreign complaint or statement of claim, proceedings, 11:42 11:25 Attorney fees, 11:98 form of answer or statement of Attorney work product privilege defence, 11:26 taking of documentary evidence form of complaint or statement of abroad in support of domestic claim, 11:25 action, 11:60 taking of documentary evidence other, 11:27 domestically in support of statement of defence, 11:26 foreign action, 11:55 statement of defense, 11:26 taking of witness evidence abroad in strategic consideration, complaint or support of domestic action, statement of claim, 11:25 11:49 strategic considerations for answer or taking of witness evidence domestistatement of defence, 11:26 cally in support of foreign substance and content of answer or proceedings, 11:42 statement of defence, 11:26 Audience in court, rights, 11:3 substance and content of complaint or Awards, arbitral, 11:104 statement of claim, 11:25 Blocking statutes Complaint or statement of claim, 11:25 taking of documentary evidence Compromise of proceedings. Settlement domestically in support of and compromise of proceedings, foreign action, 11:50 below taking of witness evidence domestically in support of foreign action, Conclusiveness and finality of judg-

ments, generally, 11:72

11:36

FINLAND—Cont'd	FINLAND—Cont'd
Construction work, admissibility and	Damages—Cont'd
presentation at trial of evidence	currency conversion, 11:81
taken domestically or abroad,	lost profits damages, specific issues,
11:68	11:77
Content	non-contractual bases, damages
answer or statement of defence, 11:26	recovery in, 11:78
complaint or statement of claim,	product liability, damages recovery
11:25	in, 11:78
Contract, acceptable kinds of damages	public policy constraints, 11:80
recovery in, 11:76	standards of burden of proof for
Conventions	recovery, 11:79
recognition and enforcement of	tort action, damages recovery in,
foreign civil-commercial judg-	11:78
ments, 11:83	Default judgments
service of process abroad to com-	service of process abroad to com-
mence domestic action, 11:19	mence domestic action, 11:24
service of process domestically to	service of process domestically to
commence foreign action, 11:13	commence foreign action, 11:18
taking of documentary evidence	Discovery
abroad in support of domestic	
action, 11:56	taking of accumentary evidence domestically in support of
taking of documentary evidence	foreign action, 11:50
domestically in support of	caking of witness evidence domesti-
foreign action, 11:51	cally in support of foreign action,
taking of witness evidence abroad in	11:36
support of domestic action,	Documentary evidence
11:44	taking of documentary evidence
taking of witness evidence domesti-	abroad in support of domestic
cally in support of foreign	action, below
proceedings, 11:37	taking of documentary evidence
Costs and fees	domestically in support of
generally, 11:94	foreign action, below
attorney fees, 11:58	Emergency relief measures. Interim and
	conservatory relief, injunctions and
court costs, 11:96	similar emergency measures, below
interest, 11:97	Enforcement of arbitral awards, 11:105
other, 11:99	Enforcement of judgments against
security for costs, 11:95	foreign sovereigns, 11:92, 11:93
Court structure	Enforcement of jurisdiction, 11:9
audience rights, 11:3	Evidence
foreign co-counsel, role, 11:3	damages recovery, standards of
general structure, 11:2	burden of proof, 11:79
time horizons, 11:4	
Currency conversion, damages recovery,	expert evidence, below
11:81	taking of documentary evidence
Damages	abroad in support of domestic
_	action, below
generally, 11:75	taking of documentary evidence
acceptable kinds of damages recovery	domestically in support of
in contract, 11:76	foreign action, below

FINLAND—Cont'd FINLAND—Cont'd Evidence-Cont'd cally or abroad, 11:70 taking of evidence against foreign Intellectual property, admissibility and sovereign entities, 11:91 presentation at trial of evidence taking of witness evidence abroad in taken domestically or abroad, 11:64 support of domestic action, below Interest, costs and fees, 11:97 taking of witness evidence domesti-Interim and conservatory relief, injunccally in support of foreign action, tions and similar emergency below measures Expert evidence foreign sovereigns, injunction against, 11:92 taking of witness evidence abroad in support of domestic action, other, 11:35 11:48 parallel proceedings, possible stratetaking of witness evidence domestigies, 11:34 cally in support of foreign petitions abroad, in connection with proceedings, 11:41 domestic proceedings, 11:31 Extraordinary appeal, 11:74 petitions domestically, in support of Fees. Costs and fees, above foreign proceedings, 11:32 Foreign co-counsel, role, 11:3 property as security device, 11:33 strategies in event of parallel proceedanswer or statement of defence, 11:26 ings, 11:34 complaint or statement of claim. International arbitration. Arbitration, 11:25 above Forum non conveniens and equivalent Local procedural requirements at place notions, 11:8 of action General commercial, admissibility and service of process abroad to compresentation at trial of evidence mence domestic action, 11:21 taken domestically or abroad service of process domestically to 11:62 commence foreign action, 11:15 Immunities and privileges Lost profits damages, specific issues. sovereign immunity, below 11:77 taking of documentary evidence Maritime actions, admissibility and preabroad in support of domestic sentation at trial of evidence taken action, 11:60 domestically or abroad, 11:71 taking of documentary evidence Non-contractual bases, damages domestically in support of recovery in, 11:78 foreign action, 11:55 Obtaining jurisdiction and choice of taking of witness evidence abroad in forum support of domestic action, generally, 11:5 11:49 ab initio objection to jurisdiction, taking of witness evidence domesti-11:9 cally in support of foreign challenges to jurisdiction, 11:8 proceedings, 11:42 choice of forum clauses, 11:7 Index by subject matter, App 11A enforcement of jurisdiction, 11:9 Injunctions. Interim and conservatory forum non conveniens and equivalent relief, injunctions and similar emergency measures, below notions, 11:8 parallel proceedings, 11:10 Insurance, admissibility and presentation at trial of evidence taken domestiparty autonomy, 11:7

'INLAND—Cont'd	FINLAND—Cont'd
Obtaining jurisdiction and choice of	Practical problems—Cont'd
forum—Cont'd	service of process domestically to
personal jurisdiction, basis for accep-	commence foreign action, 11:16
tance, 11:5	summary judgments and equivalent
property as jurisdictional basis, 11:6	proceedings, 11:29
relevance to later efforts to recognize	taking of documentary evidence
and enforce, 11:9	abroad in support of domestic
statutory and other bases, 11:5	action, 11:58
subject matter jurisdiction, basis for	taking of documentary evidence
acceptance, 11:5	domestically in support of
Ordinary appeal, 11:73	foreign action, 11:53
Other means and absence of conventions	taking of witness evidence abroad in
service of process abroad to com-	support of domestic action,
mence domestic action, 11:20	11:46
service of process domestically to	taking of witness evidence domesti-
commence foreign action, 11:14	cally in support of foreign
taking of documentary evidence	proceedings, 11:39
abroad in support of domestic	Pre-judgment attachment, sovereign
action, 11:57	immunity, 11:92
taking of documentary evidence	Principal and agent, admissibility and
domestically in support of	presentation at trial of evidence
foreign action, 11:52	taken domestically or abroad,
taking of witness evidence abroad in	11:65
support of domestic action,	Privileges. Immunities and privileges,
11:45	above
taking of witness evidence domesti	Procedural requirements, summary judg-
cally in support of foreign	ments and equivalent proceedings,
proceedings, 11:38	11:28
Parallel proceedings, obtaining jurisdic-	Product liability
tion and choice of forum, 11:10	admissibility and presentation at trial
Party autonomy	of evidence taken domestically
choice of law, 11:12	or abroad, 11:67
obtaining jurisainion and choice of	damages recovery, 11:78
forum, 11:7	Property as jurisdictional basis, 11:6
Personal jurisdiction	Property as security device, 11:33
obtaining jurisdiction and choice of	Public policy, damages, 11:80
forum, 11:5	Recognition and enforcement of foreign
sovereign immunity, 11:90	civil-commercial judgments
Petitions abroad, in connection with	generally, 11:82
domestic proceedings, interim and	conventions, 11:83
conservatory relief, 11:31	Recognition and enforcement of judg-
Petitions domestically, in support of	ments against foreign sovereigns,
foreign proceedings, interim and	11:92, 11:93
conservatory relief, 11:32	Relevance to later efforts to recognize
Post-judgment attachment, sovereign	and enforce
immunity, 11:92	choice of law, 11:12
Practical problems	· · · · · · · · · · · · · · · · · · ·
service of process abroad to com-	obtaining jurisdiction and choice of
mence domestic action, 11:22	forum, 11:9

FINLAND—Cont'd	FINLAND—Cont'd
Relevance to later efforts to recognize	Service of process domestically to com-
and enforce—Cont'd	mence foreign action
service of process abroad to com-	generally, 11:13
mence domestic action, 11:23	conventions, 11:13
service or process domestically to	default judgments, 11:18
commence foreign action, 11:17	local procedural requirements at place
summary judgments and equivalent proceedings, 11:30	of action, 11:15
taking of documentary evidence	other means in absence of convention,
abroad in support of domestic	11:14
action, place of judgment, 11:59	practical problems, 11:16
taking of documentary evidence	relevance to later efforts to recognize
domestically in support of	and enforce, 11:17
foreign action, place of evidence,	time factors, 11:16
11:54	Settlement and compromise of proceed-
taking of witness evidence abroad in	ings
support of domestic action,	formalities, 11:85
11:47	kinds of settlement and compromise,
taking of witness evidence domesti-	11:84
cally in support of foreign	litigation, effect on, 11:86
proceedings, 11:40	other, 11:87
Rights of audience in court, 11:3	requirements, 11:85
Sale of goods, admissibility and presen-	Sovereign immunity
tation at trial of evidence taken	generally, 11:88
domestically or abroad, 11:63	aids in enforcement of judgments
Secrecy laws	against foreign sovereigns, 11:92
taking of documentary evidence	enforcement of judgments against
domestically in support of	foreign sovereigns, 11:92 , 11:93
foreign action, 11:50	injunctive measures against foreign
taking of witness evidence domesti-	sovereigns, 11:92
cally in support of foreign action, 11:36	personal jurisdiction, 11:90
	post-judgment attachment, 11:92
Security 11.05	pre-judgment attachment, 11:92
costs, security for, 11:95	recognition and enforcement of judg-
property as security device, 11:33	ments against foreign sovereigns,
Service of process abroad to commence	11:93
domestic action	service of process on foreign
generally, 11:19	sovereigns, 11:89
conventions, 11:19	subject matter jurisdiction, 11:90
default judgments, 11:24	taking of evidence against foreign
local procedural requirements at place	sovereign entities, 11:91
of action, 11:21	Standards of burden of proof for dam-
other means and absence of conven-	ages recovery, 11:79
tions, 11:20	Statement of claim, 11:25
practical problems, 11:22	Statutory and other bases
relevance to later efforts to recognize	choice of law, 11:11
and enforce, 11:23	obtaining jurisdiction and choice of
time factors, 11:22	forum, 11:5

FINLAND—Cont'd	FINLAND—Cont'd
Strategic considerations	Taking of documentary evidence
answer or statement of defence, 11:26	domestically in support of foreign
complaint or statement of claim,	action
11:25	generally, 11:50
parallel proceedings, 11:34	admissibility and presentation at trial
Structure of courts. Court structure,	of evidence taken domestically
above	or abroad, above
Subject matter jurisdiction	attorney-client privilege, 11:55
obtaining jurisdiction and choice of forum, 11:5	attorney work product privilege, 11:55
sovereign immunity, 11:90	blocking statutes, 11:50
Substance and content	conventions, 11:51
answer or statement of defence, 11:26	discovery, 11:50
complaint or statement of claim, 11:25	other means and absence of conventions, 11:52
Substantive and practical overview of	practical problems, 11:53
key distinguishing issues in	privileges, 11:55
Finland, 11:1	relevance to later efforts to recognize
Substantive issues, choice of law, 11:11	and enforce at place of evidence,
Summary judgments and equivalent	11:54
proceedings	secrecy laws, 11:50
practical problems, 11:29	time factors, 11:53
procedural requirements, 11:28	time of discovery, 11:50
relevance to later efforts to recognize and enforcement, 11:30	Taking of witness evidence abroad in support of domestic action
	generally, 11:44
substantive requirements, 11:28 time factors, 11:29	The state of the s
Table of Authorities, App 11D	admissibility and presentation at trial of evidence taken domestically
Table of Cases, App 11C	or abroad, above
Table of Statutes, App 11B	attorney-client privilege, 11:49
Taking of documentary evidence abroad	attorney work product privilege,
in support of domestic action	11:49
generally, 11:56	conventions, 11:44
admissibility and presentation at trial	expert evidence, special issues, 11:48
of evidence taken domestically	other means in absence of conven-
or abroad, above	tions, 11:45
attorney-client privilege, 11:60	practical problems, 11:46
attorney work product privilege, 11:60	relevance to later efforts to recognize and enforce at place of judgment,
conventions, 11:56	11:47
other means and absence of conven-	time factors, 11:46
tions, 11:57	Taking of witness evidence domestically
practical problems, 11:58	in support of foreign proceedings
privileges, 11:60	generally, 11:36
relevance to later efforts to recognize	admissibility and presentation at trial
and enforce at place of judgment,	of evidence taken domestically
11:59	or abroad, above
time factors, 11:58	arbitration, 11:43

FINLAND—Cont'd FINLAND—Cont'd Taking of witness evidence domestically Witness evidence—Cont'd taking of witness evidence domestiin support of foreign proceedings cally in support of foreign action, -Cont'd attorney-client privilege, 11:42 above attorney work product privilege, FOREIGN CIVIL-COMMERCIAL 11:42 JUDGMENTS, RECOGNITION blocking statutes, 11:36 AND ENFORCEMENT OF conventions, 11:37 India, 15:36 discovery, when and from whom, **Singapore** (this index) 11:36 expert evidence, special issues, 11:41 FOREIGN CO-COUNSEL other means and absence of conven-Australia, 2:3 tions, 11:38 Austria, 3:3 practical problems, 11:39 Belgium, 4:5 privileges, 11:42 Brazil, 5:3 China, People's Republic, 7:3 relevance to later efforts to recognize and enforce, 11:40 Czech Republic, 9:4 secrecy laws, 11:36 Finland, 11:3 time factors, 11:39 France, 12:3 Germany, 13:3 Time factors **Hungary**, **14:3** court structure, 11:4 India, 15:4 service of process abroad to com-Ireland, 16:3 mence domestic action, 11:22 Japan, 18:3 service of process domestically to commence foreign action, 11:16 Korea, 19:3 summary judgments and equivalent Kuwait. 20:3 proceedings, 11:29 Singapore, 23:3 taking of documentary evidence Switzerland, 25:3 abroad in support of domestic Taiwan, 26:3 action, 11:58 Turkey, 27:7 taking of documentary evidence domestically in support of FOREIGN CORRUPT PRACTICES foreign action, 11:50, 11:53 ACT taking of witness evidence abroad in Generally, 39:10 support of domestic action, FOREIGN JURISDICTIONS 11:46 Australia taking of witness evidence domesti-Australia Federal Courts, CM6 cally in support of foreign action, 11:36, 11:39 Electronic Technology in Litigation, 40:2 Tort actions Federal Court of Australia Act 1976, admissibility and presentation at trial 40:1 of evidence taken domestically Cambodia, Commercial Arbitration Law or abroad, 11:66 of Kingdom of Cambodia, 40:15 damages recovery in, 11:78 China, People's Republic Witness evidence Arbitration Law, 1994, 40:16 taking of witness evidence abroad in arbitration rules of Chinese Arbitrasupport of domestic action, tion Association, Taipei, 40:22 above

FOREIGN PUBLIC DOCUMENTS FOREIGN JURISDICTIONS—Cont'd Commercial Arbitration Law of —Cont'd Kingdom of Cambodia, 40:15 Documents, 33:15 Council of the European Union, Regula-FOREIGN SOVEREIGNS tion (EC) No. 44/2001, 22 Dec. Ireland, sovereign immunity, 16:37 2000, on jurisdiction and recognition and enforcement of judgments FORUM NON CONVENIENS in civil and commercial matters, United Arab Emirates, 28:16 40:6 FORUM NON CONVENIENS AND English Arbitration Act, 40:3 **EQUIVALENT NOTIONS** European Parliament and Council of Australia, 2:8 European Union Regulation (EC) No. 846/2007, 11 Austria, 3:9 July 2007, on law applicable to Belgium, 4:10 non-contractual obligations Brazil, 5:9 (Rome II), 40:8 Canada, 6:6 Regulation (EC) No. 1393/2007, 13 China, People's Republic, 7:8 Nov. 2007, on service in Czech Republic 9:10 Member States of judicial and Finland, 11:8 extrajudicial documents in civil France, 12:8) or commercial matters, 40:6 Germany 13:8 repeal of Regulation (EC) No. 1348/ Hungary, 14:11 2000, 40:6 India, 15:11 European Union Directive on Mediareland, 16:9 tion, 40:9 Japan, **18:9** Federal Court of Australia Act 1976, Korea, 19:6 40:1 Kuwait, 20:8 German Arbitration Act, 40:10 Singapore, 23:7 Hong Kong Arbitration Ordinance 40:20 Sweden, 24:8 Switzerland, 25:8 India's Transnational Litigation, Conflict of Laws, Law of Limita-Turkey, 27:13 tion, 40:17 United Kingdom, 29:8 Ireland, Arbitration Act 2010, 40:4 United States of America, 30:8 Italy, Arbitration (Title VII of Book IV **Uruguay**, **31:5** of Italian Code of Civil Procedure), FORUM SELECTION CLAUSES 40:5 United States of America, 30:7 Mongolia Law on Arbitration, 40:18 Nigeria **FRANCE** Nigerian Supreme Court Act, 40:11 Generally, 12:1 to 12:114 Nigerian Supreme Court Rules, 40:12 Ab initio objection to jurisdiction, 12:9 Saudia Arabia, Law of Arbitration, Admiralty actions, admissibility and 40:19 presentation at trial of evidence Singapore International Arbitration Act, taken domestically or abroad, 40:21 12:71 South African Arbitration Act, 40:13 Admissibility and presentation at trial of Ugandan Civil Procedure Act, 40:14 evidence taken domestically or abroad FOREIGN PUBLIC DOCUMENTS admiralty and maritime actions, 12:71 Convention Abolishing the Requirement for Legalization for Foreign Public agency, 12:65

FRANCE—Cont'd	FRANCE—Cont'd
Admissibility and presentation at trial of	Arbitration—Cont'd
evidence taken domestically or	time limit to issue award, 12:111
abroad—Cont'd	UNCITRAL model law, 12:103
charter party, 12:69	vacating arbitral award, 12:113
construction work, 12:68	Attorney-client privilege
general commercial, 12:62	taking of documentary evidence
general requirements and practices,	domestically in support of
12:61	foreign action, 12:58
insurance, 12:70	taking of witness evidence domesti-
intellectual property, 12:64	cally in support of foreign
principal and agent, 12:65	proceedings, 12:47
product liability, 12:67	Attorney fees, 12:99
sale of goods, 12:63	Attorney representation in arbitral
tort action, 12:66	proceedings, 12:105
Agency, admissibility and presentation	Attorney work product privilege
at trial of evidence taken domesti-	taking of documentary evidence
cally or abroad, 12:65	domestically in support of
Answer or statement of defense, 12:29	foreign ection, 12:58
Appeal and review of transnational	taking of witness evidence domesti- cally in support of foreign
judgments	proceedings, 12:47
generally, 12:72	Autience in court, rights, 12:3
conclusiveness and finality of judg-	Cilateral and International Conventions
ments, generally, 12:72	on Recognition and Enforcement of
judgment against foreign party, 12:75	Foreign Judgments, App 12C
procedural issues, 12:73	Bilateral Treaties on Civil Procedure,
relevance to later efforts to recognize	App 12A
and enforce, 12:77	Blocking statutes
strategic considerations, 12:76	taking of witness evidence domesti-
substantive issues, 12:74	cally in support of foreign action,
Appeal of arbitral award, 12:112	12:42
Arbitration	taking of witness evidence domesti-
generally, 12:100	cally in support of foreign
appeal of arbitral award, 12:112	proceedings, 12:42
confidentiality, 12:108	Calculation of damages and interest,
conventions, 12:101	12:83
duties of arbitrators, 12:110	Challenge of foreign judgment, 12:88
enforcement of agreement to arbitrate,	Challenges to jurisdiction, 12:8
12:106	Charter party, admissibility and presen-
enforcement of awards make outside	tation at trial of evidence taken
France, 12:114	domestically or abroad, 12:69
foreign awards, 12:114	Choice of forum clauses, 12:7
institutions, 12:115	Choice of law
jurisdiction of arbitrators, 12:107	choice of law clauses, 12:12
preliminary relief, 12:109	foreign substantive law, bases for
rights of representation, 12:105	application, 12:11
setting aside arbitral award, 12:113	limits on use of foreign law, 12:14
statute, 12:102	party autonomy, 12:12
	* *

FRANCE—Cont'd	FRANCE—Cont'd
Choice of law—Cont'd	Conventions
relevance to later efforts to recognize	Bilateral and International Conven-
and enforce, 12:13	tions on Recognition and
statutory and other bases for applica-	Enforcement of Foreign Judg-
tion of foreign substantive law,	ments, App 12C
12:11	international arbitration conventions, 12:101
Civil and commercial judgments. Recognition and enforcement of	recognition and enforcement of
foreign civil and commercial judg-	foreign civil-commercial judg-
ments, below	ments, 12:84
Commencement of suit	service of process abroad to com-
answer or statement of defense, 12:29	mence domestic action, 12:21
complaint or statement of claim,	service of process domestically to
12:28	commence foreign action, 12:15
form of answer or statement of	taking of documentary evidence
defence, 12:29	abroad in support of domestic
form of complaint or statement of	action, 12:59
claim, 12:28	taking of documentary evidence
statement of defence, 12:29	domestically in support of foreign action, 12:54
statement of defense, 12:29	taking of witness evidence abroad in
strategic consideration, complaint or statement of claim, 12:28	support of domestic action,
strategic considerations for answer or	12:50
statement of defence, 12:29	taking of witness evidence domesti-
substance and content of answer or	cally in support of foreign
statement of defence, 12:29	proceedings, 12:43
substance and content of complaint or	Costs and fees
statement of claim, 12:28	generally, 12:95
Community instruments, service of pro-	attorney fees, 12:99
cess abroad to commence domestic	court costs, 12:96
action, 12:22	fee schedules and contingencies,
Complaint or statement of claim, 12:28	12:99
Compromise of proceedings. Settlement and compromise of proceedings,	interest, 12:98
below	legal aid, 12:97
Conclusiveness and finality of judg-	security for costs, 12:95
ments, generally, 12:72	Court structure
Confidentiality of arbitration proceed-	adjudications, time horizons and
ings, 12:108	influencing factors, 12:4
Construction work, admissibility and	audience rights, 12:3
presentation at trial of evidence	foreign co-counsel, role, 12:3
taken domestically or abroad,	general structure, 12:2
12:68	time horizons, 12:4
Content	Currency conversion, damages recovery,
answer or statement of defence, 12:29	12:82
complaint or statement of claim,	Damages generally, 12:78
12020	•
Contract, acceptable kinds of damages recovery in, 12:78	acceptable kinds of damages recovery in contract, 12:78

FRANCE—Cont'd

Damages—Cont'd

calculation of damages and interest, 12:83

currency conversion, 12:82

joint and several liability, calculation of damages and interest, 12:83

lost profits damages, specific issues, 12:79

public policy constraints, 12:81

recognition and enforcement of foreign civil-commercial judgments, 12:87

standards of burden of proof for recovery, 12:80

Default judgments

recognition and enforcement of foreign civil-commercial judgments, 12:87

service of process abroad to commence domestic action, 12:27

service of process domestically to commence foreign action, 12:20

Diplomatic officers, immunity, **12:93** Discovery

recognition and enforcement of foreign civil-commercial jude ments, 12:87

taking of witness evidence domestically in support of foreign action, 12:42

Documentary evidence

taking of documentary evidence abroad in support of domestic action, below

taking of documentary evidence domestically in support of foreign action, below

Emergency relief measures. Interim and conservatory relief, injunctions and similar emergency measures, below

Enforcement of agreement to arbitrate, 12:106

Enforcement of arbitral awards made outside France, 12:114

Enforcement of jurisdiction, 12:9

damages recovery, standards of burden of proof, **12:80**

FRANCE—Cont'd

Evidence—Cont'd

expert evidence, taking of witness evidence domestically in support of foreign proceedings, **12:46**

taking of documentary evidence abroad in support of domestic action, below

taking of documentary evidence domestically in support of foreign action, below

taking of witness evidence abroad in support of domestic action, below

taking of witness evidence domestically in support of foreign action, below

Expert evidence, using of witness evidence donestically in support of foreign proceedings, **12:46**

Fees. Costs and fees, above

Foreign co-counsel, role, 12:3

Foreign sovereigns, immunity, **12:93** Form

answer or statement of defence, 12:29 complaint or statement of claim, 12:28

Forum non conveniens and equivalent notions, 12:8

General commercial, admissibility and presentation at trial of evidence taken domestically or abroad, 12:62

Immunities and privileges sovereign immunity, below

taking of documentary evidence domestically in support of foreign action, 12:58

taking of witness evidence domestically in support of foreign proceedings, 12:47, 12:48

Incidental recognition of foreign judgment, 12:88

Injunctions. Interim and conservatory relief, injunctions and similar emergency measures, below

Insurance, admissibility and presentation at trial of evidence taken domestically or abroad, 12:70

FRANCE—Cont'd FRANCE—Cont'd Intellectual property, admissibility and Obtaining jurisdiction and choice of presentation at trial of evidence forum taken domestically or abroad, generally, 12:5 12:64 ab initio objection to jurisdiction, Interest calculation of damages and interest, challenges to jurisdiction, 12:8 choice of forum clauses, 12:7 Interest, costs and fees, 12:98 enforcement of jurisdiction, 12:9 Interim and conservatory relief, injuncforum non conveniens and equivalent tions and similar emergency notions, 12:8 measures parallel proceedings, 12:10 generally, 12:36 party autonomy, 12:7 parallel proceedings, possible stratepersonal jurisdiction, basis for accepgies, 12:40 tance, 12:5 petitions abroad, in connection with property as jurisdictional basis, 12:6 domestic proceedings, 12:37 relevance to later efforts to recognize petitions domestically, in support of and enforce, 12:9 foreign proceedings, 12:38 statutory and other bases, 12:5 property as security device, 12:39 subject metter jurisdiction, basis for strategies in event of parallel proceedacceptance, 12:5 ings, 12:40 Other means and absence of conventions International and Bilateral Treaties to recognition and enforcement of Which France is Party, App 12B foreign civil-commercial judg-International arbitration. Arbitration, ments, 12:85 above service of process abroad to com-Joint and several liability, calculation of mence domestic action, 12:23 damages and interest, 12:83 service of process domestically to Judiciary power, scope in summery commence foreign action, 12:16 judgments and equivalent proceedtaking of documentary evidence ings, 12:35 Jurisdiction domestically in support of foreign action, 12:55 arbitrators, 12:107 taking of witness evidence abroad in obtaining jurisdiction and choice of support of domestic action. forum, below 12:51 Later efforts to recognize and enforce. taking of witness evidence domesti-Relevance to later efforts to recognize and enforce, below cally in support of foreign proceedings, 12:44 Legal aid, costs and fees, 12:97 Parallel proceedings, obtaining jurisdic-Local procedural requirements at place tion and choice of forum, 12:10 of action Party autonomy service of process abroad to commence domestic action, 12:24 choice of law, 12:12 service of process domestically to obtaining jurisdiction and choice of commence foreign action, 12:17 forum, 12:7 Lost profits damages, specific issues, Penalties, taking of witness evidence 12:79 domestically in support of foreign proceedings, 12:48 Maritime actions, admissibility and presentation at trial of evidence taken Personal jurisdiction, obtaining jurisdicdomestically or abroad, 12:71 tion and choice of forum, 12:5

FRANCE—Cont'd

Petitions abroad, in connection with domestic proceedings, interim and conservatory relief, 12:37

Petitions domestically, in support of foreign proceedings, interim and conservatory relief, 12:38

Practical problems

recognition and enforcement of foreign civil-commercial judgments, 12:86

service of process abroad to commence domestic action, 12:25

service of process domestically to commence foreign action, 12:18

summary judgments and equivalent proceedings, 12:32

taking of documentary evidence abroad in support of domestic action, 12:60

taking of documentary evidence domestically in support of foreign action, 12:56

taking of witness evidence domestically in support of foreign proceedings, 12:45

Principal and agent, admissibility and presentation at trial of evidence taken domestically or abroad.

12:65

Privileges. Immunities and privileges, above

Procedural requirements, summary judgments and equivalent proceedings, 12:31

Product liability

admissibility and presentation at trial of evidence taken domestically or abroad, 12:67

Property as jurisdictional basis, **12:6**Property as security device, **12:39**Public policy

recognition and enforcement of foreign civil-commercial judgments, 12:87

Public policy, damages, 12:81

Punitive damages

recognition and enforcement of foreign civil-commercial judgments, 12:87

FRANCE—Cont'd

Recognition and enforcement of foreign civil-commercial judgments

generally, 12:84

Bilateral and International Conventions on Recognition and Enforcement of Foreign Judgments, App 12C

challenge of foreign judgment, 12:88 conventions, 12:84

default judgment, 12:87

discovery, 12:87

exequatur action, effects on, 12:86 incidental recognition of foreign judgment, 12:88

other means and absence of conventions, 12:85

practical problems, 12:86

public policy, 12:87

punitive damages, 12:87

time fectors, 12:86

Relevance to later efforts to recognize and enforce

appeal and review of transnational judgments, 12:77

choice of law, 12:13

obtaining jurisdiction and choice of forum, 12:9

service of process abroad to commence domestic action, 12:26

service or process domestically to commence foreign action, 12:19

summary judgments and equivalent proceedings, 12:34

taking of documentary evidence domestically in support of foreign action, place of evidence, 12:57

taking of witness evidence abroad in support of domestic action, 12:52

Rights of audience in court, 12:3
Sale of goods, admissibility and presentation at trial of evidence taken domestically or abroad, 12:63

Secrecy laws

taking of documentary evidence domestically in support of foreign action, 12:53

FRANCE—Cont'd
Standards of burden of proof for dam-
ages recovery, 12:80
Statement of claim, 12:28
Statutes on International Civil Procedure
and International and Bilateral
Treaties to Which France is Party,
App 12B
Statutory and other bases
arbitration, 12:102
choice of law, 12:11
obtaining jurisdiction and choice of
forum, 12:5
Strategic considerations
answer or statement of defence, 12:29
appeal and review of transnational
judgments, 12:76
complaint or statement of claim,
12:28
parallel proceedings, 12:40
summary judgments and equivalent
proceedings, 12:33
Structure of courts. Court structure,
above
Subject matter jurisdiction, obtaining
jurisdiction and choice of forum,
12:5
Substance and content
answer or statement of defence, 12:29
complaint or statement of claim,
12:28
Substantive and practical overview of
key distinguishing issues in France,
12:1
Substantive issues, choice of law, 12:11
Summary judgments and equivalent
proceedings
generally, 12:30
judiciary power, scope of, 12:35
practical problems, 12:32
procedural requirements, 12:31
relevance to later efforts to recognize
and enforcement, 12:34
strategic considerations, 12:33
substantive requirements, 12:31
time factors, 12:32
Table of Cases, App 12D

FRANCE—Cont'd	FRANCE—Cont'd
Taking of documentary evidence abroad	Taking of witness evidence domestically
in support of domestic action	in support of foreign proceedings
generally, 12:59	—Cont'd
admissibility and presentation at trial	admissibility and presentation at trial
of evidence taken domestically	of evidence taken domestically
or abroad, above	or abroad, above
conventions, 12:59	attorney-client privilege, 12:47
practical problems, 12:60	attorney work product privilege, 12:47
time factors, 12:60	blocking statutes, 12:42
Taking of documentary evidence	conventions, 12:43
domestically in support of foreign action	discovery, when and from whom,
	12:42
generally, 12:53	expert evidence, special issues, 12:46
admissibility and presentation at trial of evidence taken domestically	immunities, 12:48
or abroad, above	other means and absence of conven-
attorney-client privilege, 12:58	tions, 12.41
attorney work product privilege,	penalties. 12:48
12:58	practical problems, 12:45
blocking statutes, 12:53	privileges, 12:47
conventions, 12:54	secrecy laws, 12:42
discovery, 12:53	time factors, 12:45
other means and absence of conven-	Time factors
tions, 12:55	arbitral award, time limit to issue,
practical problems, 12:56	12:111
privileges, 12:58	court adjudications, 12:4
relevance to later efforts to recognize	recognition and enforcement of
and enforce at place of evidence,	foreign civil-commercial judg-
12:57	ments, 12:86
secrecy laws, 12:53	service of process abroad to com-
time factors, 12:56	mence domestic action, 12:25
time of discovery 12:53	service of process domestically to commence foreign action, 12:18
Taking of witness evidence abroad in	summary judgments and equivalent
support of domestic action	proceedings, 12:32
generally, 12:49	taking of documentary evidence
admissibility and presentation at trial	abroad in support of domestic
of evidence taken domestically	action, 12:60
or abroad, above	taking of documentary evidence
conventions, 12:50	domestically in support of
other means in absence of conventions, 12:51	foreign action, 12:53, 12:56
	taking of witness evidence domesti-
relevance to later efforts to recognize and enforce at place of judgment,	cally in support of foreign action,
12:52	12:42, 12:45 Tort actions
Taking of witness evidence domestically	
in support of foreign proceedings	admissibility and presentation at trial of evidence taken domestically
generally, 12:41	or abroad, 12:66

FRANCE—Cont'd	GERMANY—Cont'd
UNCITRAL model law, 12:103	Appeal and review of transnational
Vacating arbitral award, 12:113	judgments—Cont'd
Witness evidence	substantive issues, 13:70
taking of witness evidence abroad in	time factors, 13:71
support of domestic action,	Arbitration
above	German Arbitration Act, 40:10
taking of witness evidence domesti-	Attachment
cally in support of foreign action,	pre-judgment attachment, sovereign
above	immunity, 13:92
Writ of summons, example, App 12E	Attorney-client privilege
GEORGIA	taking of witness evidence abroad in
Private arbitration law, 41:29	support of domestic action,
	13:48
GERMANY	taking of witness evidence domesti-
Generally, 13:1 to 13:98	cally in support of foreign
Abbreviations Commonly Used in Ger-	proceedings, 13:43
man Law, App 13D	Attorney fees, 13:98
Ab initio objection to jurisdiction, 13:9	Attorney work product privilege
Admissibility and presentation at trial of	taking of witness evidence abroad in
evidence taken domestically or	support of domestic action,
abroad	13:48
agency, 13:61	taking of witness evidence domesti-
charter party, 13:65	cally in support of foreign
construction work, 13:64	proceedings, 13:43
general commercial, 13:58	Audience in court, rights, 13:3
general requirements and practices	Blocking statutes
	taking of documentary evidence
insurance, 13:66	domestically in support of
intellectual property, 13:60	foreign action, 13:49
principal and agent, 13:61	taking of witness evidence domesti-
product liability, 13:13	cally in support of foreign action, 13:37
sale of goods, 13:59 tort action, 13:62	taking of witness evidence domesti-
	cally in support of foreign
Agency, admissibility and presentation at trial of evidence taken domesti-	proceedings, 13:37, 13:49
cally or abroad, 13:61	Central Authorities, App 13H
Answer or statement of defence, 13:27	Challenges to jurisdiction, 13:8
Answer or statement of defense, 13:27	Charter party, admissibility and presen-
Appeal and review of transnational	tation at trial of evidence taken
judgments	domestically or abroad, 13:65
generally, 13:67	Choice of forum clauses, 13:7
conclusiveness and finality of judg-	Choice of law
ments, generally, 13:68	choice of law clauses, 13:12
practical problems, 13:71	foreign substantive law, bases for
procedural issues, 13:69	application, 13:11
relevance to later efforts to recognize	party autonomy, 13:12
and enforce, 13:73	relevance to later efforts to recognize
strategic considerations, 13:72	and enforce, 13:13
Strategie considerations, 13.72	una emerce, 13.13

GERMANY—Cont'd GERMANY—Cont'd Choice of law—Cont'd Conventions statutory and other bases for applicarecognition and enforcement of tion of foreign substantive law, foreign civil-commercial judg-13:11 ments, 13:80 Civil and commercial judgments. Recservice of process abroad to comognition and enforcement of mence domestic action, 13:20 foreign civil and commercial judgservice of process domestically to ments, below commence foreign action, 13:14 Commencement of suit taking of documentary evidence generally, 13:25 abroad in support of domestic action, 13:53 answer or statement of defence, 13:27 taking of documentary evidence answer or statement of defense, 13:27 domestically in support of complaint or statement of claim, foreign action, 13:50 13:26 taking of witness evidence abroad in form of answer or statement of support of domestic action, defence. 13:27 13:44 form of complaint or statement of taking of witness evidence domesticlaim, 13:26 cally in support of foreign statement of claim, 13:26 proceedings, 13:38 statement of defence, 13:27 Costs and fees statement of defense, 13:27 generally, 13:95 strategic considerations, answer or attorney fees, 13:98 statement of defence, 13:27 contingencies and fee schedules, strategic considerations, complaint or 13:98 statement of claim, 13:26 Court/Attorney Fees, App 13K substance and content of answer or court costs, 13:96 statement of defence, 13:27 fee schedules and contingencies, substance and content of complaint or 13:98 statement of claim, 13:26 interest, 13:97 Commentaries and Collection of Laws, security for costs, 13:95 App 13B Court/Attorney Fees, App 13K Complaint or statement of claim, 13:26 Court structure Compromise of proceedings. Settlement adjudication, time horizon and and compromise of proceedings, influencing factors, 13:4 below audience rights, 13:3 Conclusiveness and finality of judgforeign co-counsel, role, 13:3 ments, generally, 13:68 general structure, 13:2 Construction work, admissibility and Currency conversion, damages recovery, presentation at trial of evidence 13:79 taken domestically or abroad, 13:64 Damages generally, 13:74 Content acceptable kinds of damages recovery answer or statement of defence, 13:27 in contract, 13:74 complaint or statement of claim, 13:26 currency conversion, 13:79 Contract, acceptable kinds of damages lost profits damages, specific issues, recovery in, 13:74 13:75

GERMANY—Cont'd GERMANY—Cont'd Damages—Cont'd Evidence—Cont'd non-contractual bases, damages taking of witness evidence domestirecovery in, 13:76 cally in support of foreign action, below product liability, damages recovery in, 13:76 Expert evidence public policy constraints, 13:78 taking of documentary evidence standards of burden of proof for abroad in support of domestic action, 13:56 recovery, 13:77 tort action, damages recovery in, taking of witness evidence abroad in 13:76 support of domestic action, 13:47 Default judgments service of process abroad to comtaking of witness evidence domestimence domestic action, 13:24 cally in support of foreign service of process domestically to proceedings, 13:42 commence foreign action, 13:17 Fees. Costs and fees, above Discovery Foreign co-counsel, role, 13:3 taking of documentary evidence Form of answer or statement of defence, domestically in support of 13:27 foreign action, 13:49 Form of complaint or statement of taking of witness evidence domesticlaim, 13:26 cally in support of foreign action, Forum non conveniens and equivalent 13:37 notions, 13:8 Discretion, sovereign immunity, 13:94 General Bibliography Standard Works, Documentary evidence App 13A taking of documentary evidence General commercial, admissibility and abroad in support of domestic presentation at trial of evidence action, below taken domestically or abroad, taking of documentary evidence 13:58 domestically in support of Glossary, App 13E foreign action, below Emergency relief measures. Interim and Immunities and privileges conservatory relief, injunctions and sovereign immunity, below similar emergency measures, below taking of witness evidence abroad in Enforcement of judgments against support of domestic action, foreign sovereigns, 13:93 13:48 Enforcement of jurisdiction, 13:9 taking of witness evidence domesti-Evidence cally in support of foreign damages recovery, standards of proceedings, 13:43 burden of proof, 13:77 Injunctions. Interim and conservatory taking of documentary evidence relief, injunctions and similar emerabroad in support of domestic gency measures, below action, below Insurance, admissibility and presentation taking of documentary evidence at trial of evidence taken domestidomestically in support of cally or abroad, 13:66 foreign action, below Intellectual property, admissibility and taking of evidence against foreign presentation at trial of evidence sovereign entities, 13:91 taken domestically or abroad, taking of witness evidence abroad in 13:60 support of domestic action,

below

Interest, costs and fees, 13:97

GERMANY—Cont'd

Interim and conservatory relief, injunctions and similar emergency measures

foreign sovereigns, injunction against, 13:92

parallel proceedings, possible strategies, 13:35

petitions abroad, in connection with domestic proceedings, 13:33

petitions domestically, in support of foreign proceedings, 13:34

strategies in event of parallel proceedings, 13:35

International arbitration. Arbitration, above

International Conventions/Bilateral Treaties, **App 13F**

Journals and Periodicals, **App 13C** Jurisdiction and choice of forum

German Arbitration Act, 40:10

Local procedural requirements at place of action

recognition and enforcement of foreign civil-commercial judgments, 13:82

service of process abroad to commence domestic action, 13:22

service of process domestically to commence foreign action, 13:16

Lost profits damages, specific issues, 13:75

Model Requests for Judicial Assistance, App 13I

Non-contractual bases, damages recovery in, 13:76

Obtaining jurisdiction and choice of forum

generally, 13:5

ab initio objection to jurisdiction, 13:9

challenges to jurisdiction, 13:8

choice of forum clauses, 13:7 enforcement of jurisdiction, 13:9

forum non conveniens and equivalent

notions, 13:8 parallel proceedings, 13:10

party autonomy, **13:7**

GERMANY—Cont'd

Obtaining jurisdiction and choice of forum—Cont'd

personal jurisdiction, basis for acceptance, 13:5

property as jurisdictional basis, 13:6 relevance to later efforts to recognize and enforce, 13:9

statutory and other bases, 13:5

subject matter jurisdiction, basis for acceptance, 13:5

Other means and absence of conventions service of process abroad to commence domestic action, 13:21

taking of documentary evidence abroad in support of domestic action, 13:54

taking of documentary evidence domestically in support of foreign action, 13:51

taking of witness evidence abroad in support of domestic action, 13:45

taking of witness evidence domestically in support of foreign proceedings, 13:39

Other means and absence of conventions and treaties

recognition and enforcement of foreign civil-commercial judgments, 13:81

service of process domestically to commence foreign action, 13:15

Parallel proceedings, obtaining jurisdiction and choice of forum, 13:10

Party autonomy

choice of law, 13:12

obtaining jurisdiction and choice of forum, 13:7

Payment orders, service of process abroad to commence domestic action, 13:24

Personal jurisdiction

obtaining jurisdiction and choice of forum, 13:5

sovereign immunity, 13:90

Petitions abroad, in connection with domestic proceedings, interim and conservatory relief, 13:33

GERMANY—Cont'd GERMANY—Cont'd Petitions domestically, in support of Recognition and enforcement of foreign foreign proceedings, interim and civil-commercial judgments conservatory relief, 13:34 —Cont'd Practical problems conventions, 13:80 appeal and review of transnational local procedural requirements at place judgments, 13:71 of action, 13:82 other means and absence of convenrecognition and enforcement of foreign civil-commercial judgtions, 13:81 ments, 13:83 practical problems, 13:83 service of process domestically to public policy issues, 13:84 commence foreign action, 13:17 time factors, 13:83 summary judgments and equivalent Recognition and enforcement of judgproceedings, 13:30 ments against foreign sovereigns, taking of documentary evidence 13:93 abroad in support of domestic Relevance to later efforts to recognize action, 13:55 and enforce taking of witness evidence abroad in appeal and review of transnational support of domestic action, judgments, 13:73 13:46 choice of law, 13:13 taking of witness evidence domestiobtaining jurisdiction and choice of cally in support of foreign forum, 13:9 proceedings, 13:40 service of process abroad to com-Pre-judgment attachment, sovereign mence domestic action, 13:23 immunity, 13:92 service or process domestically to Principal and agent, admissibility and commence foreign action, 13:18 presentation at trial of evidence summary judgments and equivalent taken domestically or abroad, proceedings, 13:32 13:61 taking of documentary evidence Privileges. Immunities and privileges, domestically in support of above foreign action, place of evidence, Procedural requirements, summary judg-13:52 ments and equivalent proceedings, taking of witness evidence domesti-13:28 cally in support of foreign Procedure for Obtaining Apostille, App proceedings, 13:41 13J Rights of audience in court, 13:3 Product liability Sale of goods, admissibility and presenadmissibility and presentation at trial tation at trial of evidence taken of evidence taken domestically domestically or abroad, 13:59 or abroad, 13:63 Secrecy laws damages recovery, 13:76 taking of documentary evidence Property as jurisdictional basis, 13:6 domestically in support of Public policy foreign action, 13:49 damages, 13:78 taking of witness evidence domestirecognition and enforcement of cally in support of foreign action, foreign civil-commercial judg-13:37 ments, 13:84 Security for costs, 13:95 Recognition and enforcement of foreign Service of process abroad to commence civil-commercial judgments domestic action absence of conventions and treaties, generally, 13:19

13:81

GERMANY—Cont'd	GERMANY—Cont'd
Service of process abroad to commence	Sovereign immunity—Cont'd
domestic action—Cont'd	taking of evidence against foreign
conventions, 13:20	sovereign entities, 13:91
default judgments, 13:24	Standards of burden of proof for dam-
local procedural requirements at place	ages recovery, 13:77
of action, 13:22	Statement of claim, 13:26
other means and absence of conven-	Statement of defence, 13:27
tions, 13:21	Statutory and other bases
payment orders, 13:24	choice of law, 13:11
relevance to later efforts to recognize and enforce, 13:23	obtaining jurisdiction and choice of forum, 13:5
Service of process domestically to com-	Strategic considerations
mence foreign action	answer or statement of defence, 13:27
generally, 13:14	appeal and review of transnational
conventions, 13:14	judgments, 13:72
default judgments, 13:24	complaint or statement of complaint,
local procedural requirements at place	13:26
of action, 13:16 other means in absence of convention,	parallel proceedings, 13:35
13:15	summary judgments and equivalent
practical problems, 13:17	proceedings, 13:31
relevance to later efforts to recognize	Structure of courts. Court structure,
and enforce, 13:18	above
time factors, 13:17	Subject matter jurisdiction
Settlement and compromise of proceedings	obtaining jurisdiction and choice of forum, 13:5
formalities, 13:86	sovereign immunity, 13:90
kinds of settlement and compromise,	Substance and content
13:85	answer or statement of defence, 13:27
litigation, effect on, 13:87	complaint or statement of claim,
requirements, 13:86	13:26
Sovereign immunity	Substantive and practical overview of
generally, 13:88	key distinguishing issues in Ger-
aids in enforcement of judgments	many, 13:1
against foreign sovereigns, 13:92	Substantive issues, choice of law, 13:11
discretion, 13:94	Summary judgments and equivalent
enforcement of judgments against	proceedings
foreign sovereigns, 13:93	practical problems, 13:30
injunctive measures against foreign	procedural requirements, 13:28
sovereigns, 13:92	relevance to later efforts to recognize
personal jurisdiction, 13:90	and enforcement, 13:32
pre-judgment attachment, 13:92	strategic considerations, 13:31
recognition and enforcement of judg-	substantive requirements, 13:29
ments against foreign sovereigns,	time factors, 13:30
13:93	Table of Cases, App 13G
service of process on foreign sovereigns, 13:89	Taking of documentary evidence abroad in support of domestic action
subject matter jurisdiction, 13:90	generally, 13:53

GERMANY—Cont'd	GERMANY—Cont'd
Taking of documentary evidence abroad	Taking of witness evidence domestically
in support of domestic action —Cont'd	in support of foreign proceedings —Cont'd
admissibility and presentation at trial	attorney-client privilege, 13:43
of evidence taken domestically or abroad, above	attorney work product privilege, 13:43
conventions, 13:53	blocking statutes, 13:37
expert evidence, 13:56	conventions, 13:38
other means and absence of conventions, 13:54	discovery, when and from whom, 13:37
practical problems, 13:55	expert evidence, special issues, 13:42
Taking of documentary evidence domestically in support of foreign	other means and absence of conventions, 13:39
action	practical problems, 13:40
generally, 13:49	privileges, 13:43
admissibility and presentation at trial of evidence taken domestically	relevance to later efforts to recognize
or abroad, above	and enforce, 13:41
blocking statutes, 13:49	secrecy laws, 13:37
conventions, 13:50	time factors, 13:40
discovery, 13:49	Time factors
other means and absence of conven-	adjudication, time horizon and
tions, 13:51	influencing factors, 13:4 appeal and review of transnational
place of evidence, relevance to later	judgments, 13:71
efforts to recognize and enforce,	recognition and enforcement of
13:52 secrecy laws, 13:49	foreign civil-commercial judg- ments, 13:83
time of discovery, 13:49	service of process domestically to
Taking of witness evidence abroad in	commence foreign action, 13:17
support of domestic action	summary judgments and equivalent proceedings, 13:30
generally, 13:44	taking of documentary evidence
admissibility and presentation at trial of evidence taken domestically or abroad, above	domestically in support of foreign action, 13:49
attorney-client privilege, 13:48	taking of witness evidence domesti-
attorney work product privilege,	cally in support of foreign action, 13:37, 13:40
conventions, 13:44	Tort actions
expert evidence, special issues, 13:47 other means in absence of conven-	admissibility and presentation at trial of evidence taken domestically or abroad, 13:62
tions, 13:45	damages recovery in, 13:76
practical problems, 13:46	Witness evidence
Taking of witness evidence domestically in support of foreign proceedings generally, 13:36	taking of witness evidence abroad in support of domestic action, above
admissibility and presentation at trial of evidence taken domestically or abroad, above	taking of witness evidence domesti- cally in support of foreign action, above

GLOBAL SECURITIES CLASS ACTION LAWSUITS

Generally, 1:8

GOVERNING LAW

Cuba (this index)

HAGUE CONVENTION FOR NON-EU STATES

Ireland, service of process abroad to commence domestic action, 16:20

HAGUE CONVENTIONS

Generally, 33:1 to 33:16

Accessions to and ratifications of the Hague Conventions, 33:1

Convention Abolishing the Requirement for Legalization for Foreign Public Documents, 33:15

Convention on Civil Procedure, 33:14

Convention on Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, 33:13

Convention on Taking of Evidence Abroad in Civil or Commercial Matters, 33:14

Judicial Assistance in Canada, 33:3

Judicial Assistance in China, 33:4

Judicial Assistance in Hong Kong 33:5

Judicial Assistance in Japan, 33:6

Judicial Assistance in Mexico, 33:7

Judicial Assistance in Russia, 33:9

Judicial Assistance in South Korea, 33:10

Judicial Assistance in The Netherlands, 33:8

Judicial Assistance in The United Kingdom, **33:11**

Ratifications of the Hague Conventions,

Recommendations of Hague Special Commission on Service, Taking of Evidence, and Access to Justice Convention, 33:16

Service of Legal Documents Abroad, 33:2

HEARINGS

Cuba, CCICA, 8:22 Singapore, fees, 23:51

HONG KONG

Foreign jurisdictions

Hong Kong Arbitration Ordinance, **40:20**

Hague Conventions, 33:5

Judicial Assistance in Hong Kong, **33:5** Jurisdiction and choice of forum

Hong Kong Arbitration Ordinance, 40:20

HUNGARY

Generally, 14:1 to 14:103

Ab initio objection to jurisdiction, **14:12**Admissibility and presentation at trial of evidence taken domestically or abroad

generally, 14:67

agency, 14:71

construction work, 14:74

general commercial, 14:68

general requirements and practices, 14:67

intellectual property, 14:70

principal and agent, 14:71

product liability, 14:73

sale of goods, 14:69

tort action, 14:72

Agency, admissibility and presentation at trial of evidence taken domestically or abroad, **14:71**

Answer or statement of defense, 14:33

Appeal and review of transnational judgments

generally, 14:75

conclusiveness and finality of judgments, generally, **14:75**

extraordinary remedies, 14:80

practical problems, 14:78

procedural issues, 14:76

strategic considerations, 14:79

substantive issues, 14:77

time factors, 14:78

Attorney-client privilege

taking of documentary evidence abroad in support of foreign action, 14:66

taking of witness evidence abroad in support of domestic action, 14:57

HUNGARY—Cont'd	HUNGARY—Cont'd
Attorney-client privilege—Cont'd	Compromise of proceedings. Settlement
taking of witness evidence domesti-	and compromise of proceedings,
cally in support of foreign action,	below
14:51	Conclusiveness and finality of judg-
Attorney fees, 14:102	ments, generally, 14:75
Attorney work product privilege	Constitution of courts, 14:5
taking of documentary evidence	Construction work, admissibility and
abroad in support of foreign	presentation at trial of evidence taken domestically or abroad,
action, 14:66	14:74
taking of witness evidence abroad in	Contract, acceptable kinds of damages
support of domestic action, 14:57	recovery in, 14:81
taking of witness evidence domesti-	Conventions
cally in support of foreign action,	recognition and enforcement of
14:51	foreign civil-commercial judg-
Audience in court, rights, 14:3	ments, 14:8 %
Blocking statutes	service of process abroad to com-
taking of documentary evidence	mence domestic action, 14:24
domestically in support of	service of process domestically to
foreign action, 14:58	commence foreign action, 14:18 taking of documentary evidence
taking of witness evidence domesti-	abroad in support of foreign
cally in support of foreign action,	action, 14:62
14:45	taking of documentary evidence
Challenges to jurisdiction, 14:11	domestically in support of
Choice of forum clauses, 14:8	foreign action, 14:59
Choice of law	taking of witness evidence abroad in
choice of law clauses, 14:16	support of domestic action,
foreign substantive law, bases for	14:52
application, 14:15	taking of witness evidence domesti-
party autonomy, 14:16	cally in support of foreign action 14:46
relevance to later offers to recognize	Costs and fees
and enforce 14:17	generally, 14:99
statutory and other bases for applica-	attorney fees, 14:102
tion of foreign substantive law, 14:15	bearing costs of proceedings, 14:103
Civil and commercial judgments. Rec-	court costs, 14:100
ognition and enforcement of	interest, 14:101
foreign civil and commercial judg-	security for costs, 14:99
ments, below	Court structure
Commencement of suit	adjudication, time horizon and
answer or statement of defense, 14:33	influencing factors, 14:4
complaint or statement of claim,	audience rights, 14:3
14:31	constitution of courts, 14:5
statement of defense, 14:33	foreign co-counsel, role, 14:3
strategic considerations, 14:34	general structure, 14:2
summons, 14:32	Damages
Complaint or statement of claim, 14:31	generally, 14:81

Damages—Cont'd acceptable kinds of damages recovery in contract, 14:81 extent of compensation, 14:85 lost profits damages, specific issues, 14:82 manner of liability, 14:85 non-contractual bases, damages recovery in, 14:83 product liability, damages recovery in. 14:83 public policy constraints, 14:87 punitive damages, 14:92 specific cases of liability, 14:84 standards of burden of proof for recovery, **14:86** tort action, damages recovery in, 14:83 Default judgments recognition and enforcement of foreign civil-commercial judgments, 14:92 service of process abroad to commence domestic action, 14:30 service of process domestically to commence foreign action, 14:23 Discovery recognition and enforcement of foreign civil-commercial judgments, 14:92 taking of documentary evidence domestically in support of foreign action, 14:58 taking of witness evidence domestically in support of foreign action, 14:45 Documentary evidence taking of documentary evidence abroad in support of domestic action, below taking of documentary evidence domestically in support of foreign action, below Emergency relief measures. Interim and conservatory relief, injunctions and similar emergency measures, below Enforcement of jurisdiction, 14:12 Evidence

damages recovery, standards of

burden of proof, 14:86

HUNGARY—Cont'd

HUNGARY—Cont'd

Evidence—Cont'd

taking of documentary evidence abroad in support of domestic action, below

taking of documentary evidence domestically in support of foreign action, below

taking of witness evidence abroad in support of domestic action, below

taking of witness evidence domestically in support of foreign action, below

Excluded jurisdiction, sovereign immunity, **14:98**

Exclusive jurisdiction, sovereign immunity, 14:97

Expert evidence

taking of vitness evidence abroad in support of domestic action,

taking of witness evidence domestically in support of foreign action, 14:50

Extraordinary remedies, appeal and review of transnational judgments, 14:80

Fees. Costs and fees, above
Foreign co-counsel, role, 14:3
Forum non conveniens and equivalent
notions, 14:11

General commercial, admissibility and presentation at trial of evidence taken domestically or abroad, 14:68

Immunities and privileges sovereign immunity, below taking of documentary evidence abroad in support of foreign action, 14:66

taking of witness evidence abroad in support of domestic action, 14:57

taking of witness evidence domestically in support of foreign action, 14:51

Injunctions. Interim and conservatory relief, injunctions and similar emergency measures, below

HUNGARY—Cont'd HUNGARY—Cont'd Intellectual property, admissibility and Obtaining jurisdiction and choice of presentation at trial of evidence forum—Cont'd taken domestically or abroad, property as jurisdictional basis, 14:7 14:70 relevance to later efforts to recognize Interest, costs and fees, 14:101 and enforce, 14:12 Interim and conservatory relief, injuncstatutory and other bases, 14:6 tions and similar emergency subject matter jurisdiction, basis for measures acceptance, 14:6 parallel proceedings, possible stratesubmission, 14:10 gies, 14:44 Other means and absence of conventions petitions abroad, in connection with recognition and enforcement of domestic proceedings, 14:41 foreign civil-commercial judgpetitions domestically, in support of ments, 14:89 foreign action, 14:42 service of process abroad to comproperty as security device, 14:43 mence domestic action, 14:26 strategies in event of parallel proceedservice of process domestically to ings, 14:44 commence foreign action, 14:19 Interim measures, summary judgments taking of documentary evidence and equivalent proceedings, 14:40 abroad in support of foreign Local procedural requirements at place action, 14:63 of action taking of documentary evidence recognition and enforcement of domestically in support of foreign civil-commercial judgforeign action, 14:60 ments, 14:90 taking of witness evidence abroad in support of domestic action, service of process abroad to com-14:53 mence domestic action, 14:27 taking of witness evidence domestiservice of process domestically to cally in support of foreign action, commence foreign action, 14:20 14:47 Lost profits damages, specific issues, Parallel proceedings, obtaining jurisdic-14:82 tion and choice of forum, 14:14 Non-contractual bases, damages Party autonomy recovery in, 14:33 choice of law, 14:16 Obtaining jurisdiction and choice of obtaining jurisdiction and choice of forum forum. 14:8 generally, 14:6 Personal jurisdiction, obtaining jurisdicab initio objection to jurisdiction, tion and choice of forum, 14:6 14:12 Petitions abroad, in connection with challenges to jurisdiction, 14:11 domestic proceedings, interim and choice of forum clauses, 14:8 conservatory relief, 14:41 enforcement of jurisdiction, 14:12 Petitions domestically, in support of filing dates, 14:13 foreign action, interim and forum non conveniens and equivalent conservatory relief, 14:42 notions, 14:11 Practical problems other bases of jurisdiction, 14:9 appeal and review of transnational parallel proceedings, 14:14 judgments, 14:78 party autonomy, 14:8 recognition and enforcement of personal jurisdiction, basis for accepforeign civil-commercial judgtance, 14:6 ments, 14:91

HUNGARY—Cont'd HUNGARY—Cont'd Practical problems—Cont'd Recognition and enforcement of foreign service of process abroad to comcivil-commercial judgments mence domestic action, 14:28 —Cont'd service of process domestically to practical problems, 14:91 commence foreign action, 14:21 public policy issues, 14:92 summary judgments and equivalent punitive damages, 14:92 proceedings, 14:37 time factors, 14:91 taking of documentary evidence Relevance to later efforts to recognize abroad in support of foreign and enforce action, 14:64 choice of law, 14:17 taking of documentary evidence obtaining jurisdiction and choice of domestically in support of forum, 14:12 foreign action, 14:61 service of process abroad to comtaking of witness evidence abroad in mence domestic action, 14:29 support of domestic action, service or process domestically to 14:54 commence to reign action, 14:22 taking of witness evidence domestisummary judgments and equivalent cally in support of foreign action, proceedings, 14:39 14:48 taking of documentary evidence Principal and agent, admissibility and acroad in support of foreign presentation at trial of evidence action, 14:65 taken domestically or abroad, tiking of witness evidence abroad in 14:71 support of domestic action, Privileges. Immunities and privileges, 14:55 above taking of witness evidence domesti-Procedural requirements, summary judgcally in support of foreign action. ments and equivalent proceedings, 14:49 14:35 Rights of audience in court, 14:3 Product liability Sale of goods, taking of documentary admissibility and presentation at trial evidence abroad in support of of evidence taken domestically domestic action, 14:69 or abroad, 14:73 damages recovery, 14:83 Secrecy laws Property as jurisdictional basis, 14:7 taking of documentary evidence domestically in support of Property as security device, 14:43 foreign action, 14:58 Public policy taking of witness evidence domestidamages, 14:87 cally in support of foreign action, recognition and enforcement of 14:45 foreign civil-commercial judg-Security ments, 14:92 costs, security for, 14:99 Recognition and enforcement of foreign civil-commercial judgments property as security device, 14:43 Service of process abroad to commence conventions, 14:88 domestic action default judgments, 14:92 generally, 14:24 discovery, 14:92 conventions, 14:25 local procedural requirements at place of action, 14:90 default judgments, 14:30 other means and absence of convenlocal procedural requirements at place tion, 14:89 of action, 14:27

HUNGARY—Cont'd	HUNGARY—Cont'd
Service of process abroad to commence	Subject matter jurisdiction, obtaining
domestic action—Cont'd	jurisdiction and choice of forum,
other means and absence of conven-	14:6
tions, 14:26	Submission, obtaining jurisdiction and
practical problems, 14:28	choice of forum, 14:10
relevance to later efforts to recognize and enforce, 14:29	Substantive and practical overview of key distinguishing issues in Hun-
time factors, 14:28	gary, 14:1
Service of process domestically to com-	Substantive issues, choice of law, 14:15
mence foreign action	Summary judgments and equivalent
generally, 14:18	proceedings
conventions, 14:18	interim measures, 14:40
default judgments, 14:23	practical problems, 14:37
local procedural requirements at place	procedural requirements, 14:35
of action, 14:20	relevance to later efforts to recognize
other means and absence of conven-	and enforcement, 14:39
tion, 14:19	strategic considerations, 14:38
practical problems, 14:21	substantive requirements, 14:36
relevance to later efforts to recognize	time factors, 14:37
and enforce, 14:22	Summens, commencement of suit,
time factors, 14:21	14:32
Settlement and compromise of proceed-	Tal ing of documentary evidence abroad
ings	in support of foreign action
formalities, 14:94	admissibility and presentation at trial
kinds of settlement and compromise,	of evidence taken domestically or abroad, above
litigation, effect on, 14:95	attorney-client privilege, 14:66
requirements, 14:94	attorney work product privilege,
Sovereign immunity	14:66
generally, 14:96	conventions, 14:62
excluded jurisdiction, 14:98	other means and absence of conven-
exclusive jurisdiction, 14:97	tions, 14:63
Standards of burden of proof for dam-	practical problems, 14:64
ages recovery, 14:86	privileges, 14:66
Statement of claim, 14:31	relevance to later efforts to recognize
Statutory and other bases	and enforce at place of judgment,
choice of law, 14:15	14:65
obtaining jurisdiction and choice of	time factors, 14:64
forum, 14:6	Taking of documentary evidence
Strategic considerations	domestically in support of foreign
appeal and review of transnational	action
judgments, 14:79	generally, 14:58
commencement of suit, 14:34	admissibility and presentation at trial
parallel proceedings, 14:44	of evidence taken domestically
summary judgments and equivalent	or abroad, above
proceedings, 14:38	blocking statutes, 14:58
Structure of courts. Court structure,	conventions, 14:59
above	discovery, 14:58

HUNGARY—Cont'd HUNGARY—Cont'd Taking of documentary evidence Taking of witness evidence domestically domestically in support of foreign in support of foreign action action—Cont'd —Cont'd other means and absence of conventime factors, 14:48 tions, 14:60 Time factors practical problems, 14:61 adjudication, time horizon and secrecy laws, 14:58 influencing factors, 14:4 time factors, 14:61 appeal and review of transnational judgments, 14:78 time of discovery, 14:58 Taking of witness evidence abroad in obtaining jurisdiction and choice of forum, filing dates, 14:13 support of domestic action recognition and enforcement of generally, 14:52 foreign civil-commercial judgadmissibility and presentation at trial ments, 14:91 of evidence taken domestically or abroad, above service of process abroad to commence domestic action, 14:28 attorney-client privilege, 14:57 service of process domestically to attorney work product privilege, commence foreign action, 14:21 14:57 summary judgments and equivalent conventions, 14:52 proceedings, 14:37 expert evidence, special issues, 14:56 taking of documentary evidence other means in absence of convenabroad in support of foreign tions, 14:53 action, 14:64 practical problems, 14:54 taking of documentary evidence relevance to later efforts to recognize domestically in support of and enforce at place of judgment foreign action, 14:58, 14:61 14:55 taking of witness evidence abroad in time factors, 14:54 support of domestic action, Taking of witness evidence domestically 14:54 in support of foreign action taking of witness evidence domestigenerally, 14:45 cally in support of foreign action, admissibility and presentation at trial 14:45, 14:48 of evidence taken domestically Tort actions or abroad, above admissibility and presentation at trial attorney-client privilege, 14:51 of evidence taken domestically attorney work product privilege, or abroad, 14:72 14:51 damages recovery in, 14:83 blocking statutes, 14:45 Witness evidence conventions, 14:46 taking of witness evidence abroad in discovery, when and from whom, support of domestic action, 14:45 above expert evidence, special issues, 14:50 taking of witness evidence domestiother means and absence of convencally in support of foreign action, tions, 14:47 above practical problems, 14:48 IMMUNITIES AND PRIVILEGES privileges, 14:51 Australia (this index) relevance to later efforts to recognize and enforce, 14:49 Austria (this index) Belgium (this index) secrecy laws, 14:45

IMMUNITIES AND PRIVILEGES	INDIA—Cont'd
—Cont'd Brazil (this index)	Admissibility and presentation at trial of evidence taken domestically or
,	abroad
China, People's Republic (this index) Convention on the Privileges and	documentary evidence, 15:26
Immunities of United Nations, 34:3	general requirements and practices,
Council of Europe Convention on State	15:25
Immunity, 36:4	Answer or statement of defence, 15:15
Czech Republic (this index)	Appeal and review of transnational
Evidence (this index)	judgments
Finland (this index)	generally, 15:27
France (this index)	conclusiveness and finality of judg-
Germany (this index)	ments, generally, 15:27
Hungary (this index)	procedural issues, 15:28
Italy (this index)	review, generally, 15:30
Japan (this index)	substantive issues 15:29
Korea (this index)	Appeals from orders of arbitral tribunal/
Kuwait (this index)	courts, 15:56
Philippines, sovereign immunity, 22:19	Arbitration
Privileges and Immunities of	generally, 15:44
International Organizations (22	app als from orders of arbitral
USC 288), 39:11	tribunal/courts, 15:56
State immunity: United Nations	Arbitration and Conciliation Act of 1996, 15:46
Convention and its effect, 1:7	
Sweden (this index)	confidentiality, 15:52 duties of arbitrators, 15:54
Switzerland (this index)	enforcement of agreement to arbitrate,
Taiwan (this index)	15:50
Turkey (this index)	enforcement of awards made outside
UN Convention on Jurisdictional	India, 15:58
Immunities of States and Their	institutions, 15:59
Property, 2004, 34.8	international conventions, 15:45
United Kingdom (this index)	jurisdiction of arbitrators, 15:51
United States Foreign Sovereign Immunities Act of 1976 (Title 28	preliminary relief, 15:53
U.S. Code §§ 1602 to 1611),	qualification of arbitrators, 15:48
jurisdictional immunities of foreign	right of representation, 15:49
states, 39:2	setting aside or vacating arbitral
United States of America (this index)	award, 15:57
Uruguay (this index)	statute, 15:46
	time limit to issue award, 15:55
IMPLEADER	UNCITRAL model law on
Switzerland, 25:34	international commercial arbitra-
IMPLIED CHOICE OF LAW BY	tion, 15:47
PARTIES	Attorney fees, 15:43
Nigeria, 21:12	Bibliography, App 15A
	Challenges to jurisdiction, 15:11
INDIA	Choice of forum clauses, 15:10
Generally 15:1 to 15:60	Choice of law 15.12

NDIA—Cont'd	INDIA—Cont'd
Civil-commercial judgments, recogni-	Court structure
tion and enforcement of, 15:36	adjudication, time horizons, 15:5
Commencement of suit	foreign co-counsel, role, 15:4
generally, 15:14	general structure, 15:3
answer or statement of defence, 15:15	Damages
form of plaint or statement of claim, 15:14	lost profits damages, specific issues, 15:32
form of written statement or statement of defence, 15:15	non-contractual bases, damages recovery in, 15:34
plaint or statement of claim, 15:14	other heads of damages, 15:33
statement of claim, 15:14	product liability, damages recovery
statement of defence, 15:15	in, 15:34
substance and content of plaint or statement of claim, 15:14	standards of burden of proof for recovery, 15:35
substance and content of written answer or statement of defence, 15:15	tort action, damages recovery in, 15:34
written statement or statement of defence, 15:15	Discovery, taking of documentary evidence domestically in support of foreign action, 15:22
Complaint or statement of claim, 15:14	Documentary evidence
Compromise and settlement of proceedings, 15:37	admissibility and presentation at trial of evidence taken domestically
Conclusiveness and finality of judgments, generally, 15:27	or abroad, 15:26
Confidentiality of arbitration proceedings, 15:52	taking of documentary evidence abroad in support of domestic action, 15:24
Conservatory relief, injunctions and similar emergency measures, 15:19	taking of documentary evidence domestically in support of
Content of plaint or statement of claim, 15:14	foreign action, 15:22, 15:23
Contingencies, 15:43	Emergency relief measures, 15:19
Contingent fees, 13:43	Enforcement of agreement to arbitrate, 15:50
Contract, acceptable kinds of damages recovery in, 15:31	Enforcement of arbitration awards made outside India, 15:58
Conventions, international arbitration in conventions to which India is party,	Enforcement of jurisdiction, 15:11
15:45	Evidence
Costs and fees	admissibility and presentation at trial
generally, 15:40	of evidence taken domestically
attorney fees, 15:43	or abroad, 15:25 , 15:26
contingencies and fee schedules,	damages recovery, standards of burden of proof, 15:35
court costs, 15:41	taking of documentary evidence
fee schedules and contingencies,	abroad in support of domestic
15:43	action, 15:24
interest, 15:42	taking of documentary evidence
security for costs, 15:40	domestically in support of foreign action, 15:22 , 15:23

INDIA—Cont'd	INDIA—Cont'd
Evidence—Cont'd	Obtaining jurisdiction and choice of
taking of witness evidence abroad in	forum—Cont'd
support of domestic action, 15:21	forum non conveniens and equivalent notions, 15:11
taking of witness evidence domesti-	local jurisdiction, basis for accep-
cally in support of foreign action,	tance, 15:8
15:20	party autonomy, 15:10
Fees. Costs and fees, above	pecuniary jurisdiction, 15:7
Fee schedules and contingencies, 15:43	personal jurisdiction, basis for accep-
Foreign co-counsel, role, 15:4	tance, 15:9
Foreign jurisdictions	statutory and other bases, 15:6
India's Transnational Litigation,	territorial jurisdiction, basis for accep-
Conflict of Laws, Law of Limita-	tance, 15:8
tion, 40:17	Party autonomy, obtaining jurisdiction
Form of plaint or statement of claim,	and choice of forum, 15:10
15:14	Personal jurisdiction
Forum non conveniens and equivalent notions, 15:11	obtaining juri oction and choice of forum, 15:9
Immunities and privileges. Sovereign	sovereign immunity, 15:39
immunity, below	Plaint or statement of claim, 15:14
Injunctions and similar emergency measures, 15:19	Practical problems, summary judgments and equivalent proceedings, 15:18
Interest, costs and fees, 15:42	Privileges and immunities. Sovereign
Interim and conservatory relief, injunc-	immunity, below
tions and similar emergency measures, 15:19	Product liability, damages recovery, 15:34
International arbitration. Arbitration, above	Recognition and enforcement of foreign civil-commercial judgments, 15:36
Jurisdiction and choice of forum	Security for costs, 15:40
India's Transnational Litigation,	Service of process, 15:13 , 15:39
Conflict of Laws Law of Limitation, 40:17	Setting aside or vacating arbitral award, 15:57
Jurisdiction of arbitrators, 15:51	Settlement and compromise of proceed-
Local jurisdiction, basis for acceptance,	ings, 15:37
15:8	Sovereign immunity
Local procedures, taking of	generally, 15:38
documentary evidence domestically	personal jurisdiction, 15:39
in support of foreign action, 15:23	service of process on foreign
Lost profits damages, specific issues,	sovereigns, 15:38
15:32	subject matter jurisdiction, 15:39
Non-contractual bases, damages recovery in, 15:34	Standards of burden of proof for damages recovery, 15:35
Obtaining jurisdiction and choice of	Statement of claim, 15:14
forum	Statutory and other bases
generally, 15:6	Arbitration and Conciliation Act of
challenges to jurisdiction, 15:11	1996, 15:46
choice of forum clauses, 15:10 enforcement of jurisdiction, 15:11	obtaining jurisdiction and choice of forum, 15:6

INDIA—Cont'd INDIA—Cont'd Structure of courts. Court structure, Time factors—Cont'd above summary judgments and equivalent Subject matter jurisdiction, 15:39 proceedings, 15:18 Substance and content of plaint or state-Tort actions, damages recovery in, ment of claim, 15:14 15:34 Substantive and practical overview of UNCITRAL model law on international key distinguishing issues in India, commercial arbitration, 15:47 15:2 Vacating arbitral award, 15:57 Summary judgments and equivalent Witness evidence taking of witness evidence abroad in proceedings practical problems, 15:18 support of domestic action, procedural requirements, 15:16 15:21, 15:25 substantive requirements, 15:17 taking of witness evidence domestitime factors, 15:18 cally in support of foreign proceedings, 15:20, 15:25 Table of Cases, App 15B Written statement or statement of Taking of documentary evidence abroad defence, 15:15 in support of domestic action generally, 15:24 INJUNCTIONS AND SIMILAR admissibility and presentation at trial EMERGENCY MEASURES of evidence taken domestically Australia (this index) or abroad, 15:25, 15:26 Austria (this index) Taking of documentary evidence Belgium (this index) domestically in support of foreign Brazil (this index) action China, People's Republic (this index) generally, 15:22 Czech Republic (this index) admissibility and presentation at trial Denmark, 10:9 of evidence taken domestically Finland (this index) or abroad, 15:25, 15:26 France (this index) discovery, 15:22 **Germany** (this index) local procedures, 15:23 **Hungary** (this index) Taking of witness evidence abroad in India, 15:19 support of domestic action Ireland, 16:25 generally, 15:21 Italy (this index) admissibility and presentation at trial **Japan** (this index) of evidence taken domestically **Korea** (this index) or abroad, 15:25, 15:26 **Kuwait** (this index) Taking of witness evidence domestically Philippines, 22:9 in support of foreign proceedings **Sweden** (this index) generally, 15:20 admissibility and presentation at trial **Switzerland** (this index) of evidence taken domestically Taiwan (this index) or abroad, 15:25, 15:26 **Turkey** (this index) Territorial jurisdiction, basis for accep-**United Kingdom** (this index) tance, 15:8 **United States of America** (this index) Time factors **Uruguay** (this index) adjudication, time horizons, 15:5 **INSURANCE** arbitration award, time limit to issue,

Brazil, 5:74

15:55

INDEX

INSURANCE—Cont'd INTE Finland, 11:70 C France, 12:70 Arb Germany, 13:66 A Korea, 19:69 F Kuwait, 20:72 T Sweden, 24:65 T

INTELLECTUAL PROPERTY

Brazil, 5:68 Finland, 11:64 France, 12:64 Germany, 13:60 Hungary, 14:70 Japan, 18:68 Korea, 19:63 Kuwait, 20:66

INTER-AMERICAN CONVENTIONS

ritorial Validity of Foreign Judgments and Arbitral Awards, **38:1** Inter-American Convention on Letters

Inter-American Convention on Extrater-

Inter-American Convention on Letters Rogatory, **38:2**

INTEREST

Germany, costs and fees, 13:97 India, costs and fees, 15:42 Ireland, costs and fees, 16:43 Singapore, judgment debts, 23:52

INTERIM AND CONSERVATORY RELIEF

Australia (this index) Austria (this index) Denmark, 10:9 Evidence (this index) Ireland, 16:25, 16:54 Philippines, 22:9

INTERIM JUDGMENT

United Arab Emirates, 28:45

INTERNATIONAL BAR ASSOCIATION

Guidelines on Conflicts of Interest in International Arbitration, **41:6** Rules on Taking of Evidence in International Commercial Arbitration, **41:5**

INTERNATIONAL CHAMBER OF COMMERCE

Arbitration rules
ADR Rules and Guide to ICC ADR,
41:8

rules for pre-arbitral referee procedure, 41:9

Rules of Arbitration, 41:7

rules of ICC as appointing authority in UNCITRAL or other ad hoc arbitration proceedings, **41:10**

INTERNATIONAL ORGANIZATION IMMUNITIES ACT

United States case law, 44:3, 44:4

INTERROGATION OF PARTIES

Switzerland, admissibility and presentation at trial of evidence taken domestically or abroad, 25:58

INTERVENTION

Switzerland, 25:35

IREX AND

Generally, 16:1 to 16:60

Admissibility and presentation at trial of evidence taken domestically or abroad, 16:29

Answer or statement of defence, 16:23 Appeal and review of transnational judgments, 16:30

Appeals of arbitral award, 16:57

Arbitration

generally, 16:45

appeals of arbitral award, 16:57

confidentiality, 16:53

duties of arbitrators, 16:55

enforcement of agreement to arbitrate, 16:51

enforcement of awards made outside Ireland, 16:59

institutions, 16:60

11.00

international conventions, 16:46

jurisdiction of arbitrators, 16:52

preliminary relief, 16:54

qualification of arbitrators, 16:49

right of representation, 16:50

setting aside or vacating arbitral

award, 16:58

statute, 16:47

IRELAND—Cont'd	IRELAND—Cont'd
Arbitration—Cont'd	Confidentiality of arbitration proceed-
time limit to issue award, 16:56	ings, 16:53
UNCITRAL model law on	Conservatory relief, injunctions and
international commercial arbitra-	similar emergency measures, 16:25
tion, 16:48	Content of complaint or statement of
Arbitration Act 2010, 40:4	claim, 16:22
Attorney fees, 16:44	Contingencies, 16:44
Audience, rights, 16:3	Contingent fees, 16:44
Bilateral and International Conventions	Conventions, international arbitration in
on the Recognition and Enforce-	conventions to which Ireland is
ment of Foreign Judgments to	party, 16:46
Which Ireland is Party, App 16C	Costs and fees
Challenges to jurisdiction, 16:9	generally, 16:39
Choice of forum clauses, 16:8	attorney fees, 16:44
Choice of law	civil legal aid, 16:12
generally, 16:11	contingent fees 16:44
foreign laws repugnant to Irish public	court costs, 16.41
policy, 16:16	fee schedules, 16:44
foreign penal laws, 16:12	interect, 16:43
foreign revenue laws, 16:13	security for costs, 16:40
legislation of expropriation, 16:13	Court structure
other public laws, 16:15	audience, rights, 16:3
party autonomy, 16:8	duration of proceedings, 16:4
public policy, 16:16	foreign co-counsel, role, 16:3
Civil legal aid, costs and fees, 16:42	general structure, 16:2
Commencement of suit	limitation periods, 16:4
generally, 16:22	personal injury claims, procedure,
answer or statement of defence, 16:23	16:5
complaint or statement of claim,	service of process abroad to com-
16:22	mence domestic action, rules of
content of complaint or statement of	superior courts, 16:21
claim, 16:22	Damages, 16:31
form of answer or statement of	Diplomatic officers, immunity, 16:37
defence, 16:23	Documentary evidence
form of complaint or statement of claim, 16:22	admissibility and presentation at trial
statement of claim, 16:22	of evidence taken domestically
	or abroad, 16:29
statement of defence, 16:23	taking of documentary evidence
strategic considerations, complaint or statement of claim, 16:22	abroad in support of domestic action, 16:28
substance and content of answer or	taking of documentary evidence
statement of defence, 16:23	domestically in support of
substance and content of plaint or	foreign action, 16:28
statement of claim, 16:22	Duration of court proceedings, 16:4
Complaint or statement of claim, 16:22	Emergency relief measures, 16:25
Compromise and settlement of proceed-	Enforcement of agreement to arbitrate,
ings, 16:36	16:51

IRELAND—Cont'd IRELAND—Cont'd Enforcement of arbitration awards made Irish Statutes on International Civil Prooutside Ireland, 16:59 cedure and International and Bilateral Treaties to Which Ireland is Enforcement of jurisdiction, 16:9 Party, App 16B Evidence Jurisdiction and choice of forum admissibility and presentation at trial Arbitration Act 2010, 40:4 of evidence taken domestically or abroad, 16:29 Jurisdiction of arbitrators, 16:52 taking of documentary evidence Legal aid, costs and fees, 16:42 abroad in support of domestic Limitation periods in court proceedings, action, 16:28 taking of documentary evidence Obtaining jurisdiction and choice of domestically in support of forum foreign action, 16:28 generally, 16:6 taking of witness evidence abroad in challenges to jurisdiction, 16:9 support of domestic action, choice of forum clauses, 16:8 16:27 enforcement of jurisdiction, 16:9 taking of witness evidence domestiforum non conveniens and equivalent cally in support of foreign action, notions 16:9 16:26 parallel proceedings, 16:10 Expropriation legislation, 16:13 party autonomy, 16:8 Fees. Costs and fees, above personal jurisdiction, basis for accep-Fee schedules, 16:44 tance, 16:6 Foreign co-counsel, role, 16:3 property as jurisdictional basis, 16:7 Foreign penal laws, 16:12 statutory and other bases, 16:6 Foreign revenue laws, 16:13 subject matter jurisdiction, basis for Foreign sovereigns. Sovereign acceptance, 16:6 immunity, below Parallel proceedings, obtaining jurisdic-Form of complaint or statement of tion and choice of forum, 16:10 claim, 16:22 Party autonomy, obtaining jurisdiction Forum non conveniens and equivalent and choice of forum, 16:8 notions, 16:9 Personal injury claims, court procedure, Hague convention for ron-EU states, 16:5 service of process abroad to com-Personal jurisdiction, obtaining jurisdicmence domestic action, 16:20 tion and choice of forum, 16:6 Immunities and privileges. Sovereign Plenary Summons example, App 16E immunity, below Privileges and immunities. Sovereign Injunctions and similar emergency immunity, below measures, 16:25 Property as jurisdictional basis, 16:7 Interest, costs and fees, 16:43 Public policy, 16:16 Interim and conservatory relief Recognition and enforcement of foreign arbitration, preliminary relief, 16:54 civil-commercial judgments injunctions and similar emergency generally, 16:32 measures, 16:25 EU member states, excluding International arbitration. Arbitration. Denmark, 16:33 above International organizations, immunity, other states, 16:35 16.38 states parties to Brussels/Lugano conventions, 16:34 Ireland-Bilateral Treaties on Civil Pro-Repugnant foreign laws, 16:16 cedure, App 16A

IRELAND—Cont'd IRELAND—Cont'd Review of transnational judgments, Taking of documentary evidence abroad 16:30 in support of domestic action Security for costs, 16:40 —Cont'd Service of process abroad to commence admissibility and presentation at trial of evidence taken domestically domestic action or abroad, 16:29 generally, 16:18 Taking of documentary evidence EU service regulation, 16:19 domestically in support of foreign Hague convention for non-EU states, action, admissibility and presenta-16:20 tion, 16:29 rules of superior courts, Order 9, Taking of witness evidence abroad in 16:21 support of domestic action Service of process domestically to comgenerally, **16:27** mence foreign action, 16:17 admissibility and presentation at trial Setting aside or vacating arbitral award, of evidence taken domestically 16:58 or abroad, 16.29 Settlement and compromise of proceed-Taking of witness evidence domestically ings, 16:36 in support of foreign proceedings Sovereign immunity generally, 15:26 generally, 16:37 admissibility and presentation at trial diplomatic officers, immunity, 16:37 of evidence taken domestically foreign sovereigns, immunity, 16:37 or abroad, **16:29** international organizations, immunity, Time factors 16:38 arbitration award, time limit to issue, states, immunity, 16:38 16:56 Statement of claim, 16:22 duration of court proceedings, 16:4 States, immunity, 16:38 limitation periods in court proceed-Statutory and other bases ings, 16:4 arbitration, 16:47 UNCITRAL model law on international obtaining jurisdiction and choice of commercial arbitration, 16:48 forum, 16:6 Vacating arbitral award, 16:58 Strategic considerations Witness evidence answer or statement of defence, comtaking of witness evidence abroad in mencement of suit, 16:23 support of domestic action. commencement of suit, complaint or 16:27, 16:29 statement of claim, 16:22 taking of witness evidence domesti-Structure of courts. Court structure, cally in support of foreign above proceedings, 16:26, 16:29 Subject matter jurisdiction, obtaining **ITALY** jurisdiction and choice of forum, Generally, 17:1 to 17:46 Substance and content of complaint or Abbreviations, 17:1 statement of claim, 16:22 Admissibility and presentation at trial of Summary judgments and equivalent evidence taken domestically or proceedings, 16:24 abroad Table of Cases, App 16D generally, 17:29 Taking of documentary evidence abroad admissions, formal examination, in support of domestic action 17:31

court's experts, 17:38

generally, 16:28

ITALY—Cont'd	ITALY—Cont'd
Admissibility and presentation at trial of	Conclusiveness and finality of judg-
evidence taken domestically or	ments, generally, 17:39
abroad—Cont'd	Conventions
decisory oath, 17:34	service of process domestically to
documentary evidence, 17:30	commence foreign action, 17:14
formal examination of party and	taking of witness evidence abroad in
admissions, 17:31	support of domestic action, 17:26
general requirements and practices,	taking of witness evidence domesti-
orders for disclosure, 17:32	cally in support of foreign action,
parties, 17:38	17:24
party, formal examination, 17:31	Convention terms and explanations,
rendering of accounts, 17:37	17:1
suppletory oath, 17:35	Costs and fees, 17:46
witnesses, 17:33	Damages, 17:41
Answer or statement of defense, 17:17	Decisory oath, 17:34
Appeal and review of transnational	Diplomatic agencies/bodies, immunity,
judgments	17:45 O
generally, 17:39	Disclosure, orders for, 17:32 Discovery, taking of documentary evi-
conclusiveness and finality of judg-	dence domestically in support of
ments, generally, 17:39	foreign action, 17:27
procedural issues, 17:40	Occumentary evidence
substantive issues, 17:40	admissibility and presentation at trial
Case law of Italy, reporting, 17:3	of evidence taken domestically
Challenges to jurisdiction, 17:9	or abroad, 17:30
Choice of forum clauses, 17:8	admissibility and presentation of evi-
Choice of law	dence taken domestically or
choice of law clauses, 17:13	abroad, 17:30
foreign substantive law, bases for	taking of documentary evidence
application, 17:12	abroad in support of domestic action, below
party autonomy, 17:13	taking of documentary evidence
statutory and other bases for applica-	domestically in support of
tion of foreign substantive law, 17:12	foreign action, below
Commencement of suit	Emergency relief measures. Interim and
answer or statement of defense, 17:17	conservatory relief, injunctions and
complaint or statement of claim,	similar emergency measures, below
17:16	Enforcement of judgments, 17:11
course of proceeding, 17:19	Estimating oath, admissibility and pre-
form of complaint, 17:16	sentation at trial of evidence taken
power of attorney, 17:18	domestically or abroad, 17:36 Evidence
statement of defense, 17:17	taking of documentary evidence
strategic considerations, 17:16	domestically in support of
substance of complaint, 17:16	foreign action, below
Complaint or statement of claim, 17:16	taking of witness evidence abroad in
Compromise and settlement of proceed-	support of domestic action,
ings, 17:42	below

ITALY—Cont'd ITALY—Cont'd Evidence—Cont'd Obtaining jurisdiction and choice of taking of witness evidence domestiforum—Cont'd cally in support of foreign action, property as jurisdictional basis, 17:7 below protective measures, 17:6 Experts, admissibility and presentation recognition and enforcement of jurisat trial of evidence taken domestidiction, 17:11 cally or abroad, 17:38 statutory and other bases, 17:4 Fees. Costs and fees, above Orders for disclosure, admissibility and Fees and costs, 17:46 presentation of evidence taken Formal examination of party and admisdomestically or abroad, 17:32 sions, 17:31 Other means and absence of conventions Form of complaint, 17:16 service of process domestically to commence foreign action, 17:15 Governmental agencies/bodies, immunity, **17:45** taking of witness evidence abroad in Immunities and privileges. Sovereign support of domestic action, immunity, below 17:27 taking of witress evidence domesti-Interim and conservatory relief, injunccally in support of foreign action, tions and similar emergency 17:25 measures Parties, admissibility and presentation at petitions abroad, in connection with trial of evidence taken domestically domestic proceedings, 17:21 or abroad, 17:38 petitions domestically, in support of Party autonomy foreign action, 17:23 choice of law, 17:13 International organizations, immunity, obtaining jurisdiction and choice of 17:44 forum, 17:8 Italian law journals, 17:3 Petitions abroad, in connection with Jurisdiction and choice of forum domestic proceedings, interim and Arbitration (Title VII of Book IV of conservatory relief, 17:22 Italian Code of Civil Procedure), Petitions domestically, in support of foreign action, interim and Lis alibi pendens and related actions, conservatory relief, 17:23 17:5 Power of attorney, 17:18 Motion for assessment of jurisdiction, Privileges. Immunities and privileges, 17:10 above Oath, admissibility and presentation at Procedural requirements, summary judgtrial of evidence taken domestically ments and equivalent proceedings, or abroad, 17:34 to 17:36 Obtaining jurisdiction and choice of Property as jurisdictional basis, 17:7 forum Recognition and enforcement of judggenerally, 17:4 ments, 17:11 challenges to jurisdiction, 17:9 Rendering of accounts, admissibility and choice of forum clauses, 17:8 presentation at trial of evidence enforcement of jurisdiction, 17:11 taken domestically or abroad, 17:37 lis alibi pendens and related actions, Reporting Italian case law, 17:3 17:5 Service of process domestically to commotion for assessment of jurisdiction, 17:10 mence foreign action

conventions, 17:14

party autonomy, 17:8

ITALY—Cont'd	ITALY—Cont'd
Service of process domestically to com-	Taking of documentary evidence
mence foreign action—Cont'd	domestically in support of foreign
other means and absence of conven-	action—Cont'd
tion, 17:15	time of discovery, 17:28
Settlement and compromise of proceedings, 17:42	Taking of witness evidence abroad in support of domestic action
Sovereign immunity	generally, 17:26
generally, 17:43	admissibility and presentation at trial
diplomatic agencies/bodies, immunity, 17:45	of evidence taken domestically or abroad, above
governmental agencies/bodies,	conventions, 17:26
immunity, 17:45	other means in absence of conven-
immunity of states from civil jurisdiction, 17:43	tions, 17:27 Taking of witness evidence domestically
international organizations, immunity, 17:44	in support of foreign action
states, immunity from civil jurisdic-	generally, 17:24
tion, 17:43	admissibility and presentation at trial of evidence taken domestically
Statement of claim, 17:16	or abroad, above
States, immunity from civil jurisdiction,	conventions, 17:24
17:43	other means and absence of conven-
Statutory and other bases	tions, 17:25
choice of law, 17:12	Term and explanations, 17:1
obtaining jurisdiction and choice of	Time factors
forum, 17:4	taking of documentary evidence
Strategic considerations. commencement of suit, 17:16	domestically in support of
Structure of courts. Court structure,	foreign action, 17:28
above	Witnesses
Substantive and practical overview of	admissibility and presentation at trial
key distinguishing issues in Italy	of evidence taken domestically
general structure. 17.2	or abroad, 17:33
Italian law journals, 17:3	taking of witness evidence abroad in
reporting Italian case law, 17:3	support of domestic action, above
Substantive issues, choice of law, 17:12	taking of witness evidence domesti-
Summary judgments and equivalent proceedings	cally in support of foreign action above
procedural requirements, 17:20	TADANI
substantive requirements, 17:20	JAPAN
Suppletory oath, 17:35	Generally, 18:1 to 18:126
Taking of documentary evidence	Ab initio objection to jurisdiction, 18:10
domestically in support of foreign	Admissibility and presentation at trial of evidence taken domestically or
action	abroad
generally, 17:28	agency, 18:69
admissibility and presentation at trial	charter party, 18:73
of evidence taken domestically or abroad, above	construction work, 18:72
discovery, 17:28	general commercial, 18:66
U15CUVCIY, 1/.40	general commetcial, 10.00

JAPAN—Cont'd JAPAN—Cont'd Admissibility and presentation at trial of Attorney work product privilege evidence taken domestically or —Cont'd foreign action, 18:58 abroad—Cont'd general requirements and practices, taking of witness evidence abroad in support of domestic action, 18:65 intellectual property, 18:68 18:52 principal and agent, 18:69 taking of witness evidence domestiproduct liability, 18:71 cally in support of foreign proceedings, 18:45 sale of goods, 18:67 Audience in court, rights, 18:3 tort action, 18:70 Blocking statutes Agency, admissibility and presentation at trial of evidence taken domestitaking of documentary evidence cally or abroad, 18:69 domestically in support of Answer or statement of defense, 18:28 foreign action, 18:53 Appeal and review of transnational taking of witness evidence domestijudgments cally in support of foreign action, 18:39 generally, 18:74 taking of witness evidence domesticonclusiveness and finality of judgcally in support of foreign ments, generally, 18:74 proceedings, 18:39, 18:53 practical problems, 18:77 Challenges to jurisdiction, 18:9 procedural issues, 18:75 Charter party, admissibility and presensubstantive issues. 18:76 tation at trial of evidence taken time factors, 18:77 domestically or abroad, 18:73 Attachment Choice of forum clauses, 18:8 post-judgment attachment, sovereign Choice of law immunity, 18:97 choice of law clauses, 18:13 pre-judgment attachment, sovereign foreign substantive law, bases for immunity, 18:96 application, 18:12 Attorney-client privilege party autonomy, 18:13 taking of documentary evidence relevance to later efforts to recognize abroad in support of domestic and enforce, 18:14 action, 18:54 statutory and other bases for applicataking of documentary evidence tion of foreign substantive law, domestically in support of 18:12 foreign action, 18:58 Civil and commercial judgments. Rectaking of witness evidence abroad in ognition and enforcement of support of domestic action, foreign civil and commercial judg-18:52 ments, below taking of witness evidence domesti-Commencement of suit cally in support of foreign answer or statement of defense, 18:28 proceedings, 18:45 complaint or statement of claim. Attorney fees, 18:102 18:27 Attorney work product privilege form of answer or statement of taking of documentary evidence defense, 18:28 abroad in support of domestic form of complaint or statement of action, 18:64 claim, 18:27 taking of documentary evidence statement of defense, 18:28 domestically in support of

APAN—Cont'd	JAPAN—Cont'd
Commencement of suit—Cont'd	Costs and fees—Cont'd
strategic consideration, complaint or	contingent fees, 18:102
statement of claim, 18:27	court costs, 18:100
strategic considerations for answer or	interest, 18:101
statement of defense, 18:28	schedule of fees, 18:102
substance and content of answer or	security for costs, 18:99
statement of defense, 18:28	Court structure
substance and content of complaint or	adjudication, time horizon and
statement of claim, 18:27	influencing factors, 18:4
Complaint or statement of claim, 18:27	audience rights, 18:3
Compromise of proceedings. Settlement	foreign co-counsel, role, 18:3
and compromise of proceedings,	general structure, 18:2
below	special features of civil procedure,
Conclusiveness and finality of judg-	18:5
ments, generally, 18:74	Currency conversion damages recovery
Construction work, admissibility and	18:83
presentation at trial of evidence	Damages
taken domestically or abroad,	generally 13.78
18:72	acceptable kinds of damages recover
Content	in contract, 18:78
answer or statement of defense, 18:28	currency conversion, 18:83
complaint or statement of claim,	lost profits damages, specific issues,
18:27	18:79
Contingent fees, 18:102	non-contractual bases, damages
Contract, acceptable kinds of damages recovery in, 18:78	recovery in, 18:80
	product liability, damages recovery
Conventions, App 18C	in, 18:80
recognition and enforcement of foreign civil-commercial judg-	public policy constraints, 18:82
ments, 18:84	punitive damages, 18:88
service of process abroad to com-	standards of burden of proof for
mence domestic action, 18:21	recovery, 18:81
service of process domestically to	tort action, damages recovery in,
commence foreign action, 18:15	18:80
taking of documentary evidence	Default judgments
abroad in support of domestic	recognition and enforcement of
action, 18:60	foreign civil-commercial judg-
taking of documentary evidence	ments, 18:88
domestically in support of	service of process abroad to com-
foreign action, 18:54	mence domestic action, 18:26
taking of witness evidence abroad in	service of process domestically to
support of domestic action,	commence foreign action, 18:20
18:47	Discovery
taking of witness evidence domesti-	recognition and enforcement of
cally in support of foreign	foreign civil-commercial judg-
proceedings, 18:40	ments, 18:88
Costs and fees	taking of documentary evidence
generally, 18:99	domestically in support of
attorney fees, 18:102	foreign action, 18:53
· · · · · · · · · · · · · · · · · · ·	2

JAPAN—Cont'd

Discovery—Cont'd

taking of witness evidence domestically in support of foreign action, 18:39

Documentary evidence

taking of documentary evidence abroad in support of domestic action, below

taking of documentary evidence domestically in support of foreign action, below

Emergency relief measures. Interim and conservatory relief, injunctions and similar emergency measures, below

Enforcement of judgments against foreign sovereigns, **18:97**, **18:98**

Enforcement of jurisdiction, **18:10** Evidence

damages recovery, standards of burden of proof, 18:81

taking of documentary evidence abroad in support of domestic action, below

taking of documentary evidence domestically in support of foreign action, below

taking of evidence against foreign sovereign entities, 18:95

taking of witness evidence abroad in support of domestic action, below

taking of witness evidence domestically in support of foreign action, below

Expert evidence

taking of witness evidence abroad in support of domestic action, 18:51

taking of witness evidence domestically in support of foreign proceedings, 18:44

Fees. Costs and fees, above

Fee schedules, 18:102

Foreign co-counsel, role, 18:3

Form

answer or statement of defense, 18:28 complaint or statement of claim, 18:27

JAPAN—Cont'd

Forum non conveniens and equivalent notions, 18:9

General commercial, admissibility and presentation at trial of evidence taken domestically or abroad, 18:66

Hague Conventions, 33:6

Immunities and privileges

sovereign immunity, below taking of documentary evidence abroad in support of domestic action, 18:64

taking of documentary evidence domestically in support of foreign action, 18:58

taking of witness evidence abroad in support of comestic action, 18:52

taking of vitness evidence domestically in support of foreign proceedings, 18:45

Injunctions. Interim and conservatory relief, injunctions and similar emergency measures, below

Intellectual property, admissibility and presentation at trial of evidence taken domestically or abroad, 18:68

Interest, costs and fees, 18:101

Interim and conservatory relief, injunctions and similar emergency measures

foreign sovereigns, injunction against, **18:96**

parallel proceedings, possible strategies, **18:37**

petitions abroad, in connection with domestic proceedings, 18:34

petitions domestically, in support of foreign proceedings, 18:35

property as security device, **18:36** strategies in event of parallel proceedings, **18:37**

Judicial Assistance in Japan, 33:6

Later efforts to recognize and enforce.

Relevance to later efforts to recognize and enforce, below

Local procedural requirements at place of action

recognition and enforcement of

JAPAN—Cont'd JAPAN—Cont'd Local procedural requirements at place Other means and absence of conventions of action—Cont'd —Cont'd foreign civil-commercial judgproceedings, 18:41 ments, 18:86 Parallel proceedings, obtaining jurisdicservice of process abroad to comtion and choice of forum, 18:11 mence domestic action, 18:23 Party autonomy service of process domestically to choice of law, 18:13 commence foreign action, 18:17 obtaining jurisdiction and choice of Lost profits damages, specific issues, forum, 18:8 18:79 Personal jurisdiction Non-contractual bases, damages obtaining jurisdiction and choice of recovery in, 18:80 forum, 18:6 Obtaining jurisdiction and choice of sovereign immunity, 18:94 forum Petitions abroad, in connection with generally, 18:6 domestic proceedings, interim and ab initio objection to jurisdiction, conservatory relief, 18:34 18:10 Petitions domestically, in support of challenges to jurisdiction, 18:9 foreign proceedings, interim and choice of forum clauses, 18:8 conservatory relief, 18:35 enforcement of jurisdiction, 18:10 Post-judgment attachment, sovereign in munity, 18:97 forum non conveniens and equivalent notions, 18:9 Practical problems appeal and review of transnational parallel proceedings, 18:11 judgments, 18:77 party autonomy, 18:8 recognition and enforcement of personal jurisdiction, basis for accep foreign civil-commercial judgtance, 18:6 ments, 18:87 property as jurisdictional basis, 18.7 service of process abroad to comrelevance to later efforts to recognize mence domestic action, 18:24 and enforce, 18:10 service of process domestically to statutory and other bases, 18:6 commence foreign action, 18:18 subject matter jurisdiction, basis for summary judgments and equivalent acceptance, 13:5 proceedings, 18:31 Other means and acsence of conventions taking of documentary evidence recognition and enforcement of abroad in support of domestic foreign civil-commercial judgaction, 18:62 ments, 18:85 taking of documentary evidence service of process abroad to comdomestically in support of mence domestic action, 18:22 foreign action, 18:56 taking of documentary evidence taking of witness evidence abroad in abroad in support of domestic support of domestic action, action, 18:61 18:49 taking of documentary evidence taking of witness evidence domestidomestically in support of cally in support of foreign foreign action, 18:55 taking of witness evidence abroad in proceedings, 18:42 support of domestic action, Pre-judgment attachment, sovereign 18:48 immunity, 18:96 taking of witness evidence domesti-Principal and agent, admissibility and cally in support of foreign presentation at trial of evidence

JAPAN—Cont'd JAPAN—Cont'd taken domestically or abroad, Relevance to later efforts to recognize 18:69 and enforce-Cont'd Privileges. Immunities and privileges, taking of documentary evidence domestically in support of above foreign action, place of evidence, Procedural requirements, summary judg-18:57 ments and equivalent proceedings, taking of witness evidence abroad in 18:29 support of domestic action, Product liability 18:50 admissibility and presentation at trial taking of witness evidence domestiof evidence taken domestically cally in support of foreign or abroad, 18:71 proceedings, 18:43 damages recovery, 18:80 Relevance to later efforts to recognize Property as jurisdictional basis, 18:7 and enforcement Property as security device, 18:36 summary judgments and equivalent Public policy proceedings 18:33 damages, 18:82 Rights of audience in court, 18:3 recognition and enforcement of Sale of goods, admissibility and presenforeign civil-commercial judgtation at trial of evidence taken ments, 18:88 domestically or abroad, 18:67 Recognition and enforcement of foreign Secrecy laws civil-commercial judgments taking of documentary evidence conventions, 18:84 domestically in support of default judgments, 18:88 foreign action, 18:53 discovery, 18:88 taking of witness evidence domestilocal procedural requirements at place cally in support of foreign action, of action, 18:86 18:39 other means and absence of cenven-Security tion, 18:85 costs, security for, 18:99 practical problems, 18:87 property as security device, 18:36 Service of process abroad to commence public policy issues, 18:88 domestic action punitive damages. 18.88 generally, 18:21 time factors, 18:87 conventions, 18:21 Recognition and enforcement of judgments against foreign sovereigns, default judgments, 18:26 18:97, 18:98 local procedural requirements at place of action, 18:23 Relevance to later efforts to recognize and enforce other means and absence of conventions, 18:22 choice of law, 18:14 practical problems, 18:24 obtaining jurisdiction and choice of relevance to later efforts to recognize forum, 18:10 and enforce, 18:25 service of process abroad to comtime factors, 18:24 mence domestic action, 18:25 Service of process domestically to comservice or process domestically to mence foreign action commence foreign action, 18:19 generally, 18:15 taking of documentary evidence conventions, 18:15 abroad in support of domestic default judgments, 18:20 action, place of judgment, 18:63

APAN—Cont'd	JAPAN—Cont'd
Service of process domestically to com-	Strategic considerations—Cont'd
mence foreign action—Cont'd	complaint or statement of claim,
local procedural requirements at place	18:27
of action, 18:17	parallel proceedings, 18:37
other means in absence of convention,	summary judgments and equivalent
18:16	proceedings, 18:32
practical problems, 18:18	Structure of courts. Court structure,
relevance to later efforts to recognize	above
and enforce, 18:19	Subject matter jurisdiction
time factors, 18:18	obtaining jurisdiction and choice of
Settlement and compromise of proceed-	forum, 18:6
ings	sovereign immunity, 18:94
formalities, 18:90	Substance and content
kinds of settlement and compromise,	answer or statement of defense, 18:28
18:89	complaint or statement of claim,
litigation, effect on, 18:91	18:27
requirements, 18:90	Substantive and practical overview of
Sovereign immunity	key distinguishing issues in Japan,
generally, 18:93	18:1
aids in enforcement of judgments	Substantive issues, choice of law, 18:12
against foreign sovereigns,	Summary judgments and equivalent
18:96, 18:97	proceedings
enforcement of judgments against	practical problems, 18:31
foreign sovereigns, 18:97, 18:98	procedural requirements, 18:29
injunctive measures against foreign	relevance to later efforts to recognize
sovereigns, 18:96	and enforcement, 18:33
personal jurisdiction, 18:94	strategic considerations, 18:32
post-judgment attachment, 18.97	substantive requirements, 18:30
pre-judgment attachment, 18:96	time factors, 18:31
recognition and enforcement of judg-	Table of Authorities, App 18A
ments against foreign sovereigns,	Table of Cases, App 18D
18:98	Taking of documentary evidence abroad
service of process on foreign	in support of domestic action
sovereigns, 18:93	generally, 18:60
subject matter jurisdiction, 18:94	admissibility and presentation at trial
taking of evidence against foreign	of evidence taken domestically
sovereign entities, 18:95	or abroad, above
Special features of civil procedure, 18:5	attorney-client privilege, 18:64
Standards of burden of proof for dam-	attorney work product privilege,
ages recovery, 18:81	18:64
Statement of claim, 18:27	conventions, 18:60
Statutes, App 18B	other means and absence of conven-
Statutory and other bases	tions, 18:61
choice of law, 18:12	practical problems, 18:62
obtaining jurisdiction and choice of	privileges, 18:64
forum, 18:6	relevance to later efforts to recognize
Strategic considerations	and enforce at place of judgment,
answer or statement of defense 18.28	18.63

JAPAN—Cont'd JAPAN—Cont'd Taking of documentary evidence abroad Taking of witness evidence domestically in support of domestic action in support of foreign proceedings —Cont'd —Cont'd admissibility and presentation at trial time factors, 18:62 of evidence taken domestically Taking of documentary evidence or abroad, above domestically in support of foreign action attorney-client privilege, 18:45 generally, 18:53 attorney work product privilege, admissibility and presentation at trial 18:45 blocking statutes, 18:39 of evidence taken domestically or abroad, above conventions, 18:40 attorney-client privilege, 18:58 discovery, when and from whom, attorney work product privilege, 18:39 18:58 expert evidence, special issues, 18:44 blocking statutes, 18:53 other means and absence of convenconventions, 18:54 tions, 18:41 discovery, 18:53 practical problems, 18:42 other means and absence of convenprivileges 18:45 tions, 18:55 relevance to later efforts to recognize practical problems, 18:56 and enforce, 18:43 privileges, 18:58 secrecy laws, 18:39 relevance to later efforts to recognize time factors, 18:42 and enforce at place of evidence, Time factors 18:57 adjudication, time horizon and secrecy laws, 18:53 influencing factors, 18:4 time factors, 18:56 appeal and review of transnational time of discovery, 18:53 judgments, 18:77 Taking of witness evidence abroad in recognition and enforcement of support of domestic action foreign civil-commercial judggenerally, 18:47 ments, 18:87 admissibility and presentation at trial service of process abroad to comof evidence taken domestically mence domestic action, 18:24 or abroad, above service of process domestically to attorney-client privilege, 18:52 commence foreign action, 18:18 attorney work product privilege, summary judgments and equivalent 18:52 proceedings, 18:31 conventions, 18:47 taking of documentary evidence expert evidence, special issues, 18:51 abroad in support of domestic other means in absence of convenaction, 18:62 tions, 18:48 taking of documentary evidence practical problems, 18:49 domestically in support of relevance to later efforts to recognize foreign action, 18:53, 18:56 and enforce at place of judgment, taking of witness evidence abroad in 18:50 support of domestic action, time factors, 18:49 18:49 Taking of witness evidence domestically taking of witness evidence domestiin support of foreign proceedings cally in support of foreign action,

18:39, 18:42

generally, 18:39

JAPAN—Cont'd JURISDICTION AND CHOICE OF Tort actions FORUM—Cont'd admissibility and presentation at trial **India** (this index) of evidence taken domestically **Ireland** (this index) or abroad, 18:70 Italy (this index) damages recovery in, 18:80 Japan (this index) Witness evidence **Korea** (this index) taking of witness evidence abroad in Kuwait (this index) support of domestic action, Nigeria (this index) above Philippines, 22:3 taking of witness evidence domesti-**Singapore** (this index) cally in support of foreign action, **Sweden** (this index) **Switzerland** (this index) JOINDER OF CLAIMS AND PARTIES Taiwan (this index) Switzerland, 25:32 Turkey (this index) United Arab Emirates (this index) JOINT AND SEVERAL LIABILITY United Kingdom (this index) France, calculation of damages and United States of America (this index) interest, 12:83 United States statutes JUDICIAL AND EXTRAJUDICIAL California Civil Procedure Code **DOCUMENTS** § 410.10 [long arm statute] European Community/European Union (2007), 39:13 Convention on the Service in the Illinois Compiled Statutes Annotated Member States of the European ch 735, para 5/2-209 [long-arm Union of Judicial and Extrajudicial statute] (2007), 39:14 Documents in Civil and Com-Ohio Revised Code Annotated mercial Matters, 35:3 2307.282 [long-arm statutes] JUDICIAL ASSISTANCE (2007), 39:17 Cuba, CCICA, 8:17 Texas Civil Practice and Remedies Code § 17.042 [long-arm statute JURISDICTION AND CHOICE OF in suit on business transaction or **FORUM** tort] (2007), **39:18** Australia (this index Uruguay (this index) Austria (this index) **Belgium** (this index) KINGDOM OF CAMBODIA Brazil (this index) Foreign jurisdictions China, People's Republic (this index) Commercial Arbitration Law of Cuba (this index) Kingdom of Cambodia, 40:15 **Czech Republic** (this index) **KOREA** European Community/European Union Generally, 19:1 to 19:104 Convention on Jurisdiction and Enforcement of Judgments in Civil Ab initio objection to jurisdiction, 19:7 and Commercial Matters, 35:3, Admissibility and presentation at trial of 35:4 evidence taken domestically or Finland (this index) abroad Foreign Jurisdictions (this index) agency, 19:64

France (this index)

Germany (this index)

Hungary (this index)

carriage of goods by sea, 19:68

construction work, 19:67

general commercial, 19:61

KOREA—Cont'd KOREA—Cont'd Admissibility and presentation at trial of Attorney work product privilege evidence taken domestically or —Cont'd abroad—Cont'd taking of witness evidence abroad in general requirements and practices, support of domestic action, 19:47 19:60 taking of witness evidence domestiinsurance, 19:69 cally in support of foreign intellectual property, 19:63 proceedings, 19:42 principal and agent, 19:64 Audience in court, rights, 19:3 product liability, 19:66 Bibliography, App 19A sale of goods, 19:62 Blocking statutes tort action, 19:65 taking of documentary evidence Agency, admissibility and presentation domestically in support of at trial of evidence taken domestiforeign action, 19:49 cally or abroad, 19:64 taking of witness evidence domesti-Answer or statement of defence, 19:24 cally in support of foreign action, Appeal and review of transnational 19:36 judgments taking of witness evidence domestigenerally, 19:70 cally in support of foreign conclusiveness and finality of judgproceedings, 19:36, 19:49 ments, generally, 19:71 Carriage of goods by sea, admissibility general requirements for appeal, and presentation at trial of evidence 19:72 taken domestically or abroad, legal effects of appeal, 19:73 Challenges to jurisdiction, 19:6 practical problems, 19:76 Choice of law relevance to later efforts to recognize choice of law clauses, 19:10 and enforce, 19:78 foreign substantive law, bases for second level courts, appeal to, 19:74 application, 19:9 strategic considerations, 1997 party autonomy, 19:10 supreme court, appeal to, 19:75 relevance to later efforts to recognize time factors, 19:76 and enforce, 19:11 Attachment, pre-judgment attachment, statutory and other bases for applicasovereign immunity, 19:98 tion of foreign substantive law, Attorney-client privilege 19:9 taking of documentary evidence Civil and commercial judgments. Recabroad in support of domestic ognition and enforcement of action, 19:58 foreign civil and commercial judgments, below taking of witness evidence abroad in support of domestic action, Commencement of suit 19:47 generally, 19:22 taking of witness evidence domestianswer or statement of defence, 19:24 cally in support of foreign complaint or statement of claim, proceedings, 19:42 19:23 Attorney fees, 19:104 form of answer or statement of defence, 19:24 Attorney work product privilege taking of documentary evidence form of complaint or statement of claim. 19:23 abroad in support of domestic hearings with intervals, 19:25 action, 19:58

KOREA—Cont'd KOREA—Cont'd Commencement of suit—Cont'd Costs and fees statement of defence, 19:24 generally, 19:101 strategic consideration, complaint or attorney fees, 19:104 statement of claim, 19:23 contingent fees, 19:104 strategic considerations for answer or court costs, 19:102 statement of defence, 19:24 interest, 19:103 substance and content of answer or schedule of fees, 19:104 statement of defence, 19:24 security for costs, 19:101 substance and content of complaint or Court structure statement of claim, 19:23 adjudication, time horizon and Complaint or statement of claim, 19:23 influencing factors, 19:4 Compromise of proceedings. Settlement audience rights, 19:3 and compromise of proceedings, foreign co-counsel, role, 19:3 below hierarchy of court system, 19:2 Conclusiveness and finality of judg-Hierarchy of Korean Courts, App ments, generally, 19:71 19G Construction work, admissibility and organization of court system, 19:2 presentation at trial of evidence Currency conversion, damages recovery, taken domestically or abroad, 19:84 19:67 Damages Content generally, 19:79 answer or statement of defence, 19:24 acceptable kinds of damages recovery complaint or statement of claim. in contract, 19:79 19:23 currency conversion, 19:84 Contingent fees, 19:104 lost profits damages, specific issues, Contract, acceptable kinds of damages 19:80 recovery in, 19:79 non-contractual bases, damages Conventions recovery in, **19:81** International Conventions App 19C product liability, damages recovery in, 19:81 recognition and enforcement of foreign civil-commercial judgpublic policy constraints, 19:83 ments, 19.85 standards of burden of proof for service of process abroad to comrecovery, 19:82 mence domestic action, 19:18 tort action, damages recovery in, service of process domestically to 19:81 commence foreign action, 19:12 Discovery taking of documentary evidence taking of documentary evidence abroad in support of domestic domestically in support of action, 19:54 foreign action, 19:49 taking of documentary evidence taking of witness evidence domestidomestically in support of cally in support of foreign action, foreign action, 19:50 19:36 taking of witness evidence abroad in Documentary evidence support of domestic action, taking of documentary evidence 19:43 abroad in support of domestic action, below taking of witness evidence domestically in support of foreign taking of documentary evidence proceedings, 19:37 domestically in support of

KOREA—Cont'd

Documentary evidence—Cont'd foreign action, below

Emergency relief measures. Interim and conservatory relief, injunctions and similar emergency measures, below

Enforcement of judgments against foreign sovereigns, **19:99**

Enforcement of jurisdiction, 19:7

Evidence

damages recovery, standards of burden of proof, 19:82

taking of documentary evidence abroad in support of domestic action, below

taking of documentary evidence domestically in support of foreign action, below

taking of evidence against foreign sovereign entities, 19:97

taking of witness evidence abroad in support of domestic action, below

taking of witness evidence domestically in support of foreign action, below

Expert evidence

taking of documentary evidence abroad in support of domestic action, 19:59

taking of witness evidence abroad in support of domestic action, 19:46

taking of witness evidence domestically in support of foreign proceedings, 19:41

Fees. Costs and fees, above Fee schedules, **19:104**

Foreign co-counsel, role, 19:3

answer or statement of defence, 19:24 complaint or statement of claim, 19:23

Forms, App 19E

Forum non conveniens and equivalent notions, 19:6

General commercial, admissibility and presentation at trial of evidence taken domestically or abroad, 19:61

KOREA—Cont'd

Hearings with intervals, 19:25

Hierarchy of court system, 19:2

Hierarchy of Korean Courts, App 19G

Immunities and privileges

sovereign immunity, below

taking of documentary evidence abroad in support of domestic action, 19:58

taking of witness evidence abroad in support of domestic action, 19:47

taking of witness evidence domestically in support of foreign proceedings, 19:42

Injunctions. Interim and conservatory relief, injunctions and similar emergency measures, below

Insurance, admissibility and presentation at trial of evidence taken domestically or abroad, 19:69

Intellectual property, admissibility and presentation at trial of evidence taken domestically or abroad, 19:63

Interest, costs and fees, 19:103

Interim and conservatory relief, injunctions and similar emergency measures

foreign sovereigns, injunction against, 19:98

parallel proceedings, possible strategies, 19:34

petitions abroad, in connection with domestic proceedings, 19:31

petitions domestically, in support of foreign proceedings, 19:32

property as security device, 19:33

strategies in event of parallel proceedings, **19:34**

International Conventions, App 19C

Later efforts to recognize and enforce.

Relevance to later efforts to recognize and enforce, below

Local procedural requirements at place of action

recognition and enforcement of foreign civil-commercial judgments, 19:88

KOREA—Cont'd Local procedural requirements at place of action—Cont'd service of process abroad to commence domestic action, 19:20 service of process domestically to commence foreign action, 19:14 taking of documentary evidence abroad in support of domestic action, 19:56 Lost profits damages, specific issues, 19:80 Non-contractual bases, damages recovery in, 19:81 Obtaining jurisdiction and choice of forum generally, 19:5 ab initio objection to jurisdiction, 19:7 challenges to jurisdiction, 19:6 enforcement of jurisdiction, 19:7 forum non conveniens and equivalent notions, **19:6** parallel proceedings lis pendens, 19:8 personal jurisdiction, basis for acceptance, 19:5 statutory and other bases, 19:5 subject matter jurisdiction, basis for acceptance, 19:5 Other means and absence of conventions recognition and enforcement of foreign civil-commercial judgments, 19:86 service of process abroad to commence domestic action, 19:19 taking of documentary evidence abroad in support of domestic action, 19:55 taking of documentary evidence domestically in support of foreign action, 19:51 taking of witness evidence abroad in support of domestic action,

KOREA—Cont'd Parallel proceedings, obtaining jurisdiction and choice of forum, 19:8 Party autonomy choice of law. 19:10 Payment order, 19:26 Personal jurisdiction obtaining jurisdiction and choice of forum, 19:5 sovereign immunity, 19:96 Petitions abroad, in connection with domestic proceedings, interim and conservatory relief, 19:31 Petitions domestically, in support of foreign proceedings, interim and conservatory relief, 19:32 Practical problems appeal and review of transnational judgments, 19:76 recognition and enforcement of foreign civil-commercial judgments, 19:89 service of process domestically to commence foreign action, 19:15 summary judgments and equivalent proceedings, 19:29 taking of documentary evidence domestically in support of foreign action, 19:52 taking of witness evidence abroad in support of domestic action, 19:45 taking of witness evidence domestically in support of foreign proceedings, 19:39 Pre-judgment attachment, sovereign immunity, 19:98 Principal and agent, admissibility and presentation at trial of evidence taken domestically or abroad, 19:64 Privileges. Immunities and privileges, above Procedural requirements, summary judgments and equivalent proceedings, 19:27

Product liability

admissibility and presentation at trial

or abroad, 19:66

of evidence taken domestically

proceedings, 19:38

taking of witness evidence domesti-

cally in support of foreign

Other means in absence of conventions

service of process domestically to

commence foreign action, 19:13

19:44

KOREA—Cont'd	KOREA—Cont'd
Product liability—Cont'd	Secrecy laws—Cont'd
damages recovery, 19:81	foreign action, 19:49
Property as security device, 19:33	taking of witness evidence domesti-
Public policy	cally in support of foreign action,
damages, 19:83	19:36
Recognition and enforcement of foreign	Security
civil-commercial judgments	costs, security for, 19:101
generally, 19:85	property as security device, 19:33
absence of conventions and treaties,	Service of process abroad to commence
19:86	domestic action
conventions, 19:85	generally, 19:17
judgments entitled to recognition,	conventions, 19:18
19:87	local procedural requirements at place
local procedural requirements at place	of action, 19:20
of action, 19:88	other means and absence of conven-
practical problems, 19:89	tions, 19:19
public policy issues, 19:90	relevance to later efforts to recognize
time factors, 19:89	and enforce, 19:21
Recognition and enforcement of judg-	Service of process domestically to com-
ments against foreign sovereigns, 19:99	mence foreign action
Relevance to later efforts to recognize	generally, 19:12
and enforce	conventions, 19:12
appeal and review of transnational	local procedural requirements at place of action, 19:14
judgments, 19:78	other means in absence of convention,
choice of law, 19:11	19:13
service of process abroad to com-	practical problems, 19:15
mence domestic action, 19:21	relevance to later efforts to recognize
service or process domestically to	and enforce, 19:16
commence foreign action, 19:16	time factors, 19:15
taking of documentary evidence	Settlement and compromise of proceed-
abroad in support of domestic	ings
action, place of judgment, 19:57	formalities, 19:92
taking of documentary evidence	kinds of settlement and compromise,
domestically in support of foreign action, place of evidence,	19:91
19:53	litigation, effect on, 19:93
taking of witness evidence domesti-	requirements, 19:92
cally in support of foreign	South Korea
proceedings, 19:40	Hague Conventions, 33:10
Rights of audience in court, 19:3	Judicial Assistance in South Korea,
Sale of goods, admissibility and presen-	33:10
tation at trial of evidence taken	Sovereign immunity
domestically or abroad, 19:62	generally, 19:94
Second level courts, appeal to, 19:74	aids in enforcement of judgments
Secrecy laws	against foreign sovereigns,
taking of documentary evidence	19:98, 19:99
domestically in support of	discretion, 19:100

KOREA—Cont'd	KOREA—Cont'd
Sovereign immunity—Cont'd	Summary judgments and equivalent
enforcement of judgments against	proceedings—Cont'd
foreign sovereigns, 19:99	payment order, 19:26
injunctive measures against foreign	practical problems, 19:29
sovereigns, 19:98	
personal jurisdiction, 19:96	procedural requirements, 19:27
pre-judgment attachment, 19:98	strategic considerations, 19:30
	substantive requirements, 19:28
recognition and enforcement of judg-	time factors, 19:29
ments against foreign sovereigns, 19:99	Supreme court, appeal to, 19:75
	Table of Cases, App 19D
service of process on foreign	Taking of documentary evidence abroad
sovereigns, 19:95	in support of domestic action
subject matter jurisdiction, 19:96	generally, 19:54
taking of evidence against foreign	admissibility and presentation at trial
sovereign entities, 19:97	of evidence taken domestically
Standards of burden of proof for dam-	or abroad, above
ages recovery, 19:82	attorney-client privilege, 19:58
Statement of claim, 19:23	attorney work product privilege,
Statistics, App 19F	19:58
Statutes and Their Abbreviations, App	conventions, 19:54
19B	expert evidence, special issues, 19:59
Statutory and other bases	local procedural requirements at place
choice of law, 19:9	of action, 19:56
obtaining jurisdiction and choice of forum, 19:5	other means and absence of conven-
Strategic considerations	tions, 19:55
	privileges, 19:58
answer or statement of defence, 19.24	relevance to later efforts to recognize
complaint or statement of claim, 19:23	and enforce at place of judgment, 19:57
parallel proceedings, 19:34	Taking of documentary evidence
summary judgments and equivalent	domestically in support of foreign
proceedings, 19:30	action
Structure of courts. Court structure,	generally, 19:48
above	admissibility and presentation at trial
Subject matter jurisdiction	of evidence taken domestically
obtaining jurisdiction and choice of	or abroad, above
forum, 19:5	attorney-client privilege, 19:58
sovereign immunity, 19:96	
Substance and content	blocking statutes, 19:49
answer or statement of defence, 19:24	conventions, 19:50
complaint or statement of claim,	discovery, 19:49
19:23	other means and absence of conven-
Substantive and practical overview of	tions, 19:51
key distinguishing issues in Korea,	practical problems, 19:52
19:1	relevance to later efforts to recognize
Substantive issues, choice of law, 19:9	and enforce at place of evidence,
Summary judgments and equivalent	19:53
proceedings	secrecy laws, 19:49
generally, 19:26	time factors, 19:52

KOREA—Cont'd KOREA—Cont'd Taking of documentary evidence Time factors—Cont'd domestically in support of foreign recognition and enforcement of foreign civil-commercial judgaction-Cont'd ments, 19:89 time of discovery, 19:49 service of process domestically to Taking of witness evidence abroad in commence foreign action, 19:15 support of domestic action summary judgments and equivalent generally, 19:43 proceedings, 19:29 admissibility and presentation at trial taking of documentary evidence of evidence taken domestically domestically in support of or abroad, above foreign action, 19:49, 19:52 attorney-client privilege, 19:47 taking of witness evidence abroad in attorney work product privilege, support of domestic action, 19:47 19:45 conventions. 19:43 taking of witness evidence domestiexpert evidence, special issues, 19:46 cally in support of foreign action, other means in absence of conven-19:36, 19:39 tions, 19:44 Tort actions (practical problems, 19:45 admissibility and presentation at trial time factors, 19:45 of evidence taken domestically Taking of witness evidence domestically or abroad, 19:65 in support of foreign proceedings damages recovery in, 19:81 generally, 19:35 Witness evidence taking of witness evidence abroad in admissibility and presentation at trial of evidence taken domestically support of domestic action, or abroad, above above attorney-client privilege, 19:42 taking of witness evidence domestically in support of foreign action, attorney work product privilege. above 19:42 blocking statutes, 19:36 **KUWAIT** conventions, 19:37 Generally, 20:1 to 20:107 discovery, when and from whom, Ab initio objection to jurisdiction, 20:9 19:36 Admiralty, admissibility and presentaexpert evidence, special issues, 19:41 tion at trial of evidence taken other means and absence of convendomestically or abroad, 20:73 tions, 19:38 Admissibility and presentation at trial of practical problems, 19:39 evidence taken domestically or abroad privileges, 19:42 agency, 20:67 relevance to later efforts to recognize and enforce, 19:40 charter party, 20:71 secrecy laws, 19:36 construction work, 20:70 time factors, 19:39 general commercial, 20:64 Time factors general requirements and practices, 20:63 adjudication, time horizon and insurance, 20:72 influencing factors, 19:4 intellectual property, 20:66 appeal and review of transnational judgments, 19:76 principal and agent, 20:67 product liability, 20:69 hearings with intervals, 19:25

KUWAIT—Cont'd	KUWAIT—Cont'd
Admissibility and presentation at trial of	Attorney work product privilege
evidence taken domestically or	—Cont'd
abroad—Cont'd	foreign action, 20:56
sale of goods, 20:65	taking of witness evidence abroad in
tort action, 20:68	support of domestic action,
	20:49
Agency, admissibility and presentation at trial of evidence taken domesti-	taking of witness evidence domesti-
cally or abroad, 20:67	cally in support of foreign
Answer or statement of defense, 20:26	proceedings, 20:42
Appeal and review of transnational	Audience in court, rights, 20:3
judgments	Blocking statutes
generally, 20:74	taking of documentary evidence
conclusiveness and finality of judg-	domestically in support of
ments, generally, 20:74	foreign action, 20:51
judicial review without service of	taking of witness evidence domesti-
process, 20:27	cally in support of foreign
practical problems, 20:76	proceedings, 20:51
procedural issues, 20:75	Challenges to jurisdiction, 20:8
relevance to later efforts to recognize	Charter party, admissibility and presen-
and enforce, 20:78	tation at trial of evidence taken
strategic considerations, 20:77	demestically or abroad, 20:71
substantive issues, 20:75	Choice of forum clauses, 20:7
time factors, 20:76	Choice of law
	choice of law clauses, 20:13
Arbitration 20.90	foreign substantive law, bases for
enforcement of awards, 20:89	application, 20:12
obtaining jurisdiction and choice of	party autonomy, 20:13
forum, 20:11	relevance to later efforts to recognize
Attachment, 20:34	and enforce, 20:14
Attorney-client privilege	statutory and other bases for applica-
taking of documentary evidence	tion of foreign substantive law,
abroad in support of domestic	20:12
action, 20:5 2	Civil and commercial judgments. Rec-
taking of documentary evidence	ognition and enforcement of
domestically in support of foreign action, 20:56	foreign civil and commercial judg- ments, below
taking of witness evidence abroad in	Commencement of suit
support of domestic action,	generally, 20:25
20:49	answer or statement of defense, 20:26
taking of witness evidence domesti-	complaint or statement of claim,
cally in support of foreign	20:25
proceedings, 20:42	form of answer or statement of
Attorney fees, 20:107	defense, 20:26
Attorney work product privilege	form of complaint or statement of
taking of documentary evidence	claim, 20:25
abroad in support of domestic	judicial review without service of
action, 20:62	process, 20:27
taking of documentary evidence	miscellaneous matters, 20:27
domestically in support of	statement of defense, 20:26
, 11	,

cally in support of foreign action,

20:36

KUWAIT—Cont'd KUWAIT—Cont'd Commencement of suit—Cont'd Costs and fees strategic consideration, complaint or generally, 20:103 statement of claim, 20:25 attorney fees, 20:107 strategic considerations for answer or contingent fees, 20:107 statement of defense, 20:26 court costs. 20:105 substance and content of answer or interest, 20:106 statement of defense, 20:26 schedule of fees, 20:107 substance and content of complaint or security for costs, 20:104 statement of claim, 20:25 Court structure Complaint or statement of claim, 20:25 adjudication, time horizon and Compromise of proceedings. Settlement influencing factors, 20:4 and compromise of proceedings, audience rights, 20:3 below foreign co-counsel, role, 20:3 Conclusiveness and finality of judggeneral structure, 20:2 ments, generally, 20:74 Construction work, admissibility and Currency conversion, damages recovery, presentation at trial of evidence 20:85 taken domestically or abroad, Damages 20:70 generally, 20:79 Content acceptable kinds of damages recovery answer or statement of defense, 20:26 in contract, 20:80 complaint or statement of claim, currency conversion, 20:85 20:25 lost profits damages, specific issues, Contingent fees, 20:107 20:81 Contract, acceptable kinds of damages non-contractual bases, damages recovery in, 20:80 recovery in, 20:82 Conventions prescription periods, 20:86 recognition and enforcement of product liability, damages recovery foreign civil-commercial judgin, **20:82** ments, 20:87 public policy constraints, 20:84 Relevant Conventions and Treaties, standards of burden of proof for App 20A recovery, 20:83 service of process abroad to comstatute of limitations, 20:86 mence domestic action, 20:20 tort action, damages recovery in, service of process domestically to 20:82 commence foreign action, 20:15 Default judgments taking of documentary evidence service of process abroad to comabroad in support of domestic mence domestic action, 20:24 action, 20:58 service of process domestically to taking of documentary evidence commence foreign action, 20:19 domestically in support of foreign action, 20:52 Discovery taking of witness evidence abroad in taking of documentary evidence support of domestic action, domestically in support of 20:44 foreign action, 20:51 taking of witness evidence domestitaking of witness evidence domesti-

cally in support of foreign

proceedings, 20:37

KUWAIT—Cont'd

Documentary evidence

taking of documentary evidence abroad in support of domestic action, below

taking of documentary evidence domestically in support of foreign action, below

Emergency relief measures. Interim and conservatory relief, injunctions and similar emergency measures, below

Enforcement of judgments against foreign sovereigns, 20:102

Enforcement of jurisdiction, **20:9** Evidence

damages recovery, standards of burden of proof, **20:83**

taking of documentary evidence abroad in support of domestic action, below

taking of documentary evidence domestically in support of foreign action, below

taking of evidence against foreign sovereign entities, 20:99

taking of witness evidence abroad in support of domestic action, below

taking of witness evidence domestically in support of foreign action, below

Expert evidence

taking of witness evidence abroad in support of domestic action, 20:48

taking of witness evidence domestically in support of foreign proceedings, 20:41

Fees. Costs and fees, above

Fee schedules, 20:107

Foreign co-counsel, role, 20:3

Form

answer or statement of defense, 20:26 complaint or statement of claim, 20:25

Forum non conveniens and equivalent notions, **20:8**

General commercial, admissibility and presentation at trial of evidence

KUWAIT—Cont'd

taken domestically or abroad, **20:64**

Immunities and privileges sovereign immunity, below taking of documentary evidence abroad in support of domestic action, 20:62

taking of documentary evidence domestically in support of foreign action, 20:56

taking of witness evidence abroad in support of domestic action, **20:49**

taking of witness evidence domestically in support of foreign proceedings, 20:42

Injunctions. Internal and conservatory relief, injunctions and similar emergency measures, below

Insurance, admissibility and presentation at trial of evidence taken domestically or abroad, 20:72

ntellectual property, admissibility and presentation at trial of evidence taken domestically or abroad, 20:66

Interest, costs and fees, 20:106

Interim and conservatory relief, injunctions and similar emergency measures

generally, 20:29

attachment in aid of execution, 20:34 foreign sovereigns, injunction against, 20:100

parallel proceedings, possible strategies, 20:33

petitions abroad, in connection with domestic proceedings, 20:30

petitions domestically, in support of foreign proceedings, 20:31

property as security device, 20:32

strategies in event of parallel proceedings, 20:33

Judicial review without service of process, 20:27

Later efforts to recognize and enforce.

Relevance to later efforts to recognize and enforce, below

KUWAIT—Cont'd

Lost profits damages, specific issues, 20:81

Maritime, admissibility and presentation at trial of evidence taken domestically or abroad, 20:73

Non-contractual bases, damages recovery in, 20:82

Obtaining jurisdiction and choice of forum

generally, 20:5

ab initio objection to jurisdiction, **20:9**

arbitration proceedings, 20:11 challenges to jurisdiction, 20:8 choice of forum clauses, 20:7 enforcement of jurisdiction, 20:9 forum non conveniens and equivalent notions, 20:8

parallel proceedings, **20:10** party autonomy, **20:7**

personal jurisdiction, basis for acceptance, 20:5

property as jurisdictional basis, 20:6 relevance to later efforts to recognize and enforce, 20:14

statutory and other bases, 20:5 subject matter jurisdiction, basis for acceptance, 20:5

Other means and absence of conventions recognition and enforcement of foreign civil-commercial judgments, 20:88

service of process abroad to commence domestic action, **20:21**

taking of documentary evidence abroad in support of domestic action, 20:59

taking of documentary evidence domestically in support of foreign action, 20:53

taking of witness evidence abroad in support of domestic action, **20:45**

taking of witness evidence domestically in support of foreign proceedings, 20:38

Other means in absence of conventions service of process domestically to commence foreign action, 20:16

KUWAIT—Cont'd

Parallel proceedings

interim and conservatory relief, injunctions and similar emergency measures, 20:33

obtaining jurisdiction and choice of forum, 20:10

Party autonomy

choice of law, 20:13

obtaining jurisdiction and choice of forum, **20:7**

Personal jurisdiction

obtaining jurisdiction and choice of forum, 20:5

sovereign immunity, 20:98

Petitions abroad, in connection with domestic proceedings, interim and conservatory relief, 20:30

Petitions domestically, in support of foreign proceedings, interim and conservatory relief, 20:31

Post-judgment attachment, sovereign immunity, **20:101**

Practical problems

appeal and review of transnational judgments, **20:76**

recognition and enforcement of foreign civil-commercial judgments, 20:90

service of process domestically to commence foreign action, **20:17**

taking of documentary evidence abroad in support of domestic action, 20:60

taking of documentary evidence domestically in support of foreign action, 20:54

taking of witness evidence abroad in support of domestic action, **20:46**

taking of witness evidence domestically in support of foreign proceedings, 20:39

Pre-judgment attachment, sovereign immunity, **20:100**

Prescription periods, damages, 20:86 Principal and agent, admissibility and presentation at trial of evidence taken domestically or abroad, 20:67

KUWAIT—Cont'd	KUWAIT—Cont'd
Privileges. Immunities and privileges,	Relevance to later efforts to recognize
above	and enforce judgment—Cont'd
Product liability	taking of witness evidence domesti-
admissibility and presentation at trial	cally in support of foreign
of evidence taken domestically	proceedings, 20:40
or abroad, 20:69	Relevant Conventions and Treaties, App
damages recovery, 20:82	20A
Property	Rights of audience in court, 20:3
jurisdictional basis, 20:6	Sale of goods, admissibility and presen-
security device, 20:32	tation at trial of evidence taken
Public policy	domestically or abroad, 20:65
damages, 20:84	Secrecy laws, taking of documentary
recognition and enforcement of	evidence domestically in support of foreign action, 20:51
foreign civil-commercial judg- ments, 20:91	Security
	costs, security for 20:104
Recognition and enforcement of foreign civil-commercial judgments	
generally, 20:87	property as security device, 20:32
absence of conventions and treaties,	Service of process abroad to commence domestic action
20:88	generally, 20:20
arbitration awards, 20:89	
conventions, 20:87	conventions, 20:20
practical problems, 20:90	default judgments, 20:24
public policy issues, 20:91	other means and absence of conven-
time factors, 20:90	tions, 20:21
Recognition and enforcement of judg-	relevance to later efforts to recognize and enforce, 20:23
ments against foreign sovereigns,	Service of process domestically to com-
20:102	mence foreign action
Relevance to later efforts to recognize	generally, 20:15
and enforce judgment	conventions, 20:15
appeal and review of transnational	default judgments, 20:19
judgments, 20:73	other means in absence of convention,
choice of law, 20:14	20:16
obtaining jurisdiction and choice of	practical problems, 20:17
forum, 20:14	relevance to later efforts to recognize
service of process abroad to com- mence domestic action, 20:23	and enforce, 20:18
service or process domestically to	time factors, 20:17
commence foreign action, 20:18	Service of process on foreign
taking of documentary evidence	sovereigns, 20:97
abroad in support of domestic	Settlement and compromise of proceed-
action, 20:61	ings
taking of documentary evidence	generally, 20:92
domestically in support of	formalities, 20:94
foreign action, place of evidence,	· · · · · · · · · · · · · · · · · · ·
20:55	kinds of settlement and compromise, 20:93
taking of witness evidence abroad in	litigation, effect on, 20:95
support of domestic action, 20:47	requirements. 20:94
Z11:4-/	ICOUNTENESTIS. 20:74

KUWAIT—Cont'd	KUWAIT—Cont'd
Sovereign immunity	Summary judgments and equivalent
generally, 20:96	proceedings
aids in enforcement of judgments	generally, 20:28
against foreign sovereigns,	Table of Relevant Statutes of Kuwait,
20:101	App 20B
enforcement of judgments against	Taking of documentary evidence abroad
foreign sovereigns, 20:101,	in support of domestic action
20:102	generally, 20:57
injunctive measures against foreign	admissibility and presentation at trial
sovereigns, 20:100 personal jurisdiction, 20:98	of evidence taken domestically
post-judgment attachment, 20:101	or abroad, above
pre-judgment attachment, 20:100	attorney-client privilege, 20:62
recognition and enforcement of judg-	attorney work product privilege,
ments against foreign sovereigns,	20:62
20:102	conventions, 20:58
service of process on foreign	other means and absence of conventions, 29.59
sovereigns, 20:97	2
subject matter jurisdiction, 20:98	practical problems, 20:60
taking of evidence against foreign	privileges, 20:62
sovereign entities, 20:99	relevance to later efforts to recognize and enforce, 20:61
Standards of burden of proof for dam-	time factors, 20:60
ages recovery, 20:83	Faking of documentary evidence
Statement of claim, 20:25	domestically in support of foreign
Statute of limitations, damages, 20:86	action
Statutory and other bases	generally, 20:50
choice of law, 20:12	admissibility and presentation at trial
obtaining jurisdiction and choice of forum, 20:5	of evidence taken domestically
Strategic considerations	or abroad, above
answer or statement at defense, 20:26	attorney-client privilege, 20:56, 20:62
appeal and review of transnational	attorney work product privilege,
judgments, 20:77	20:56
complaint or statement of claim,	blocking statutes, 20:51
20:25	conventions, 20:52
parallel proceedings, 20:33	discovery, 20:51
Structure of courts. Court structure,	other means and absence of conven-
above	tions, 20:53
Subject matter jurisdiction	practical problems, 20:54
obtaining jurisdiction and choice of	relevance to later efforts to recognize
forum, 20:5	and enforce at place of evidence,
sovereign immunity, 20:98	20:55
Substance and content	secrecy laws, 20:51
answer or statement of defense, 20:26	time factors, 20:54
complaint or statement of claim,	time of discovery, 20:51
20:25	Taking of witness evidence abroad in
Substantive and practical overview, 20:1	support of domestic action
Substantive issues, choice of law. 20:12	generally, 20:43

KUWAIT—Cont'd	KUWAIT—Cont'd
Taking of witness evidence abroad in	Time factors—Cont'd
support of domestic action	statute of limitations, 20:86
—Cont'd	taking of documentary evidence
admissibility and presentation at trial	abroad in support of domestic
of evidence taken domestically	action, 20:60
or abroad, above	taking of documentary evidence
attorney-client privilege, 20:49 attorney work product privilege,	domestically in support of foreign action, 20:51, 20:54
20:49	taking of witness evidence abroad in
conventions, 20:44	support of domestic action,
expert evidence, special issues, 20:48	20:46
other means in absence of conven-	taking of witness evidence domesti-
tions, 20:45	cally in support of foreign action,
practical problems, 20:46	20:39
relevance to later efforts to recognize	Tort actions
and enforce judgment, 20:47	admissibility and presentation at trial
time factors, 20:46	of evidence taken domestically or abroad, 20:68
Taking of witness evidence domestically	damages recovery in, 20:82
in support of foreign proceedings	Witness evidence
generally, 20:35	taking of witness evidence abroad in
admissibility and presentation at trial of evidence taken domestically	support of domestic action,
or abroad, above	above
attorney-client privilege, 20:42	taking of witness evidence domesti-
attorney work product privilege,	cally in support of foreign action,
20:42	above
conventions, 20:37	LABOR
discovery, 20:36	Brazil, sovereign immunity and labor
expert evidence, special issues, 20:41	justice, 5:105
other means and absence of conven-	LABOUR JURISDICTION
tions, 20:38	United Arab Emirates, 28:12
practical problems, 20:39	LAGOS STATE HIGH COURT
privileges, 20:42	Nigeria (this index)
relevance to later efforts to recognize and enforce, 20:40	Nigeria (tins index)
time factors, 20:39	LATER EFFORTS TO RECOGNIZE
Time factors	AND ENFORCE
adjudication, time horizon and	Australia (this index)
influencing factors, 20:4	Austria (this index)
appeal and review of transnational	Belgium (this index)
judgments, 20:76	Brazil (this index)
damages, 20:86	Canada (this index)
prescription periods, 20:86	China, People's Republic (this index)
recognition and enforcement of	Finland (this index)
foreign civil-commercial judg-	France (this index)
ments, 20:90	Germany (this index)
service of process domestically to	Japan (this index)
commence foreign action, 20:17	Korea (this index)

LATER EFFORTS TO RECOGNIZE AND ENFORCE—Cont'd

Kuwait (this index)

Turkey (this index)

United Kingdom (this index)

United States of America (this index)

Uruguay (this index)

LAW OF CLOSEST CONNECTION

Nigeria, 21:13

LAW OF LIMITATION

India's Transnational Litigation, Conflict of Laws, Law of Limitation, **40:17**

LEGAL AID

Austria, costs and fees

legal aid, 3:111

France, costs and fees, 12:97

Ireland, costs and fees, 16:42

LEGALIZATION OF DOCUMENTS

Convention Abolishing the Requirement for Legalization for Foreign Public Documents, 33:15

Council of Europe Convention on the Abolition of Legalization of Documents Executed by Diplomatic Agents or Consular Officers, 36:3

LETTERS ROGATORY

Definition of Letters Rogatory, 22 CFR 92.54. **39:8**

Examples, 39:9

Inter-American Convention on Letters Rogatory, **38:2**

Preparation of Letters Rogatory, U.S. State Department, **39:8**

LIMITATIONS

Canada, commencement of suit, 6:21

LIQUIDATED DAMAGES

Canada, 6:54

LOCAL JURISDICTION

India, 15:8

United Arab Emirates (this index)

LOCAL PROCEDURAL REQUIREMENTS

Singapore, recognition and enforcement of foreign civil-commercial judgments, 23:45

LOCAL PROCEDURAL REQUIREMENTS—Cont'd

United States of America, 30:79

LOCAL PROCEDURAL

REQUIREMENTS AT PLACE OF ACTION

Australia (this index)

Austria (this index)

Belgium, 4:20

Brazil (this index)

China, People's Republic (this index)

Czech Republic (this index)

Evidence (this index)

Finland (this index)

France (this index)

Germany (this index)

Hungary (this index)

India, 15:23

Japan (this index)

Korea (this index)

Sweden (this index)

Switzerland, recognition and enforcement of foreign civil-commercial judgments, 25:73

Turkey (this index)

United Kingdom (this index)

Uruguay (this index)

LONDON COURT OF INTERNATIONAL ARBITRATION

Mediation Procedure, 41:4

Rules of Arbitration, 41:3

LOST PROFITS DAMAGES

Australia, 2:74

Austria, 3:86

Belgium, **4:56**

Brazil, 5:84

Canada, 6:56, 6:61

Quebec, damages in contract, 6:61

China, People's Republic, 7:74

Czech Republic, 9:63

Finland, 11:77

France, 12:79

Germany, 13:75

Hungary, 14:82

India, 15:32

Japan, 18:79

LOST PROFITS DAMAGES—Cont'd	MODEL CLAUSES AND LAWS
Korea, 19:80	—Cont'd
Kuwait, 20:81	UNCITRAL notes on organizing arbitral
Sweden, 24:75	proceedings, 42:3 U.S. model bilateral investment treaty,
Switzerland, 25:66	42:4
Taiwan, 26:47 Turkey, 27:71	
United Kingdom, 29:74	MONGOLIA
United States of America, 30:72	Arbitration
Uruguay, 31:61	Mongolia Law on Arbitration, 40:18
	Mongolian National Arbitration Court
LUGANO CONVENTION	Arbitration Rules (adopted June 16, 2003), 41:25
Switzerland, 25:71	Court structure
MAREVA INJUNCTIONS	Mongolian National Arbitration Court
Singapore, 23:32	Arbitration Rules (adopted June
MARITIME ACTIONS	16, 2003), 41:25
Admiralty and Maritime Actions (this	Foreign jurisdictions
index)	Mongolia Law on Arbitration, 40:18
,	Jurisdiction and choice of forum,
MEDIATION	Mongolia Law on Arbitration, 40:18
Cuba, CCICA, 8:24	MORAL DAMAGES
Foreign jurisdictions	Brazil, 5:89
European Union Directive on Mediation, 40:9	Uruguay, 31:66
11011, 70.9	Diuguay, 31.00
MEDIATORS	NATIONAL ARBITRATION FORUM
MEDIATORS Cuba, CCICA, 8:25	Arbitration agreement drafting guide,
	Arbitration agreement drafting guide, 41:14
Cuba, CCICA, 8:25 MEXICO Hague Conventions, 33:7	Arbitration agreement drafting guide, 41:14 Code of Procedure, 41:13
Cuba, CCICA, 8:25 MEXICO	Arbitration agreement drafting guide, 41:14 Code of Procedure, 41:13 Fee schedule to Code of Procedure,
Cuba, CCICA, 8:25 MEXICO Hague Conventions, 33:7	Arbitration agreement drafting guide, 41:14 Code of Procedure, 41:13 Fee schedule to Code of Procedure, 41:15
Cuba, CCICA, 8:25 MEXICO Hague Conventions, 33:7 Judicial Assistance in Mexico, 33:7 MINORS	Arbitration agreement drafting guide, 41:14 Code of Procedure, 41:13 Fee schedule to Code of Procedure,
Cuba, CCICA, 8:25 MEXICO Hague Conventions, 33:7 Judicial Assistance in Mexico, 33:7	Arbitration agreement drafting guide, 41:14 Code of Procedure, 41:13 Fee schedule to Code of Procedure, 41:15 NIGERIA Generally, 21:1 to 21:25
Cuba, CCICA, 8:25 MEXICO Hague Conventions, 33:7 Judicial Assistance in Mexico, 33:7 MINORS United Arab Emirates, action filed against minor, 28:41 MITIGATION OF DAMAGES	Arbitration agreement drafting guide, 41:14 Code of Procedure, 41:13 Fee schedule to Code of Procedure, 41:15 NIGERIA
Cuba, CCICA, 8:25 MEXICO Hague Conventions, 33:7 Judicial Assistance in Mexico, 33:7 MINORS United Arab Emirates, action filed against minor, 28:41	Arbitration agreement drafting guide, 41:14 Code of Procedure, 41:13 Fee schedule to Code of Procedure, 41:15 NIGERIA Generally, 21:1 to 21:25 Absence of choice of law, law of closest connection, 21:13
Cuba, CCICA, 8:25 MEXICO Hague Conventions, 33:7 Judicial Assistance in Mexico, 33:7 MINORS United Arab Emirates, action filed against minor, 28:41 MITIGATION OF DAMAGES	Arbitration agreement drafting guide, 41:14 Code of Procedure, 41:13 Fee schedule to Code of Procedure, 41:15 NIGERIA Generally, 21:1 to 21:25 Absence of choice of law, law of closest
Cuba, CCICA, 8:25 MEXICO Hague Conventions, 33:7 Judicial Assistance in Mexico, 33:7 MINORS United Arab Emirates, action filed against minor, 28:41 MITIGATION OF DAMAGES Canada, 6:59 MODEL CLAUSES AND LAWS	Arbitration agreement drafting guide, 41:14 Code of Procedure, 41:13 Fee schedule to Code of Procedure, 41:15 NIGERIA Generally, 21:1 to 21:25 Absence of choice of law, law of closest connection, 21:13 Appellate courts, jurisdiction, 21:4
Cuba, CCICA, 8:25 MEXICO Hague Conventions, 33:7 Judicial Assistance in Mexico, 33:7 MINORS United Arab Emirates, action filed against minor, 28:41 MITIGATION OF DAMAGES Canada, 6:59	Arbitration agreement drafting guide, 41:14 Code of Procedure, 41:13 Fee schedule to Code of Procedure, 41:15 NIGERIA Generally, 21:1 to 21:25 Absence of choice of law, law of closest connection, 21:13 Appellate courts, jurisdiction, 21:4 Arbitration
Cuba, CCICA, 8:25 MEXICO Hague Conventions, 33:7 Judicial Assistance in Mexico, 33:7 MINORS United Arab Emirates, action filed against minor, 28:41 MITIGATION OF DAMAGES Canada, 6:59 MODEL CLAUSES AND LAWS ICSID model clauses, 42:1	Arbitration agreement drafting guide, 41:14 Code of Procedure, 41:13 Fee schedule to Code of Procedure, 41:15 NIGERIA Generally, 21:1 to 21:25 Absence of choice of law, law of closest connection, 21:13 Appellate courts, jurisdiction, 21:4 Arbitration generally, 21:17 applicable law and procedure, 21:21
Cuba, CCICA, 8:25 MEXICO Hague Conventions, 33:7 Judicial Assistance in Mexico, 33:7 MINORS United Arab Emirates, action filed against minor, 28:41 MITIGATION OF DAMAGES Canada, 6:59 MODEL CLAUSES AND LAWS ICSID model clauses, 42:1 International Centre for Settlement of Investment Disputes, 42:1 UNCITRAL Model Law on	Arbitration agreement drafting guide, 41:14 Code of Procedure, 41:13 Fee schedule to Code of Procedure, 41:15 NIGERIA Generally, 21:1 to 21:25 Absence of choice of law, law of closest connection, 21:13 Appellate courts, jurisdiction, 21:4 Arbitration generally, 21:17
Cuba, CCICA, 8:25 MEXICO Hague Conventions, 33:7 Judicial Assistance in Mexico, 33:7 MINORS United Arab Emirates, action filed against minor, 28:41 MITIGATION OF DAMAGES Canada, 6:59 MODEL CLAUSES AND LAWS ICSID model clauses, 42:1 International Centre for Settlement of Investment Disputes, 42:1 UNCITRAL Model Law on International Commercial Arbitra-	Arbitration agreement drafting guide, 41:14 Code of Procedure, 41:13 Fee schedule to Code of Procedure, 41:15 NIGERIA Generally, 21:1 to 21:25 Absence of choice of law, law of closest connection, 21:13 Appellate courts, jurisdiction, 21:4 Arbitration generally, 21:17 applicable law and procedure, 21:21 arbitral tribunal, 21:19, 21:20
Cuba, CCICA, 8:25 MEXICO Hague Conventions, 33:7 Judicial Assistance in Mexico, 33:7 MINORS United Arab Emirates, action filed against minor, 28:41 MITIGATION OF DAMAGES Canada, 6:59 MODEL CLAUSES AND LAWS ICSID model clauses, 42:1 International Centre for Settlement of Investment Disputes, 42:1 UNCITRAL Model Law on International Commercial Arbitration	Arbitration agreement drafting guide, 41:14 Code of Procedure, 41:13 Fee schedule to Code of Procedure, 41:15 NIGERIA Generally, 21:1 to 21:25 Absence of choice of law, law of closest connection, 21:13 Appellate courts, jurisdiction, 21:4 Arbitration generally, 21:17 applicable law and procedure, 21:21 arbitral tribunal, 21:19, 21:20 arbitration agreement, 21:18 binding effect of arbitral awards, generally, 21:23
Cuba, CCICA, 8:25 MEXICO Hague Conventions, 33:7 Judicial Assistance in Mexico, 33:7 MINORS United Arab Emirates, action filed against minor, 28:41 MITIGATION OF DAMAGES Canada, 6:59 MODEL CLAUSES AND LAWS ICSID model clauses, 42:1 International Centre for Settlement of Investment Disputes, 42:1 UNCITRAL Model Law on International Commercial Arbitration generally, 42:2	Arbitration agreement drafting guide, 41:14 Code of Procedure, 41:13 Fee schedule to Code of Procedure, 41:15 NIGERIA Generally, 21:1 to 21:25 Absence of choice of law, law of closest connection, 21:13 Appellate courts, jurisdiction, 21:4 Arbitration generally, 21:17 applicable law and procedure, 21:21 arbitral tribunal, 21:19, 21:20 arbitration agreement, 21:18 binding effect of arbitral awards, generally, 21:23 composition of arbitral tribunal, 21:19
Cuba, CCICA, 8:25 MEXICO Hague Conventions, 33:7 Judicial Assistance in Mexico, 33:7 MINORS United Arab Emirates, action filed against minor, 28:41 MITIGATION OF DAMAGES Canada, 6:59 MODEL CLAUSES AND LAWS ICSID model clauses, 42:1 International Centre for Settlement of Investment Disputes, 42:1 UNCITRAL Model Law on International Commercial Arbitration generally, 42:2 Austria, 3:115	Arbitration agreement drafting guide, 41:14 Code of Procedure, 41:13 Fee schedule to Code of Procedure, 41:15 NIGERIA Generally, 21:1 to 21:25 Absence of choice of law, law of closest connection, 21:13 Appellate courts, jurisdiction, 21:4 Arbitration generally, 21:17 applicable law and procedure, 21:21 arbitral tribunal, 21:19, 21:20 arbitration agreement, 21:18 binding effect of arbitral awards, generally, 21:23 composition of arbitral tribunal, 21:19 enforcement of arbitral awards, gener-
Cuba, CCICA, 8:25 MEXICO Hague Conventions, 33:7 Judicial Assistance in Mexico, 33:7 MINORS United Arab Emirates, action filed against minor, 28:41 MITIGATION OF DAMAGES Canada, 6:59 MODEL CLAUSES AND LAWS ICSID model clauses, 42:1 International Centre for Settlement of Investment Disputes, 42:1 UNCITRAL Model Law on International Commercial Arbitration generally, 42:2 Austria, 3:115 Belgium, 4:80	Arbitration agreement drafting guide, 41:14 Code of Procedure, 41:13 Fee schedule to Code of Procedure, 41:15 NIGERIA Generally, 21:1 to 21:25 Absence of choice of law, law of closest connection, 21:13 Appellate courts, jurisdiction, 21:4 Arbitration generally, 21:17 applicable law and procedure, 21:21 arbitral tribunal, 21:19, 21:20 arbitration agreement, 21:18 binding effect of arbitral awards, generally, 21:23 composition of arbitral tribunal, 21:19 enforcement of arbitral awards, generally, 21:23
Cuba, CCICA, 8:25 MEXICO Hague Conventions, 33:7 Judicial Assistance in Mexico, 33:7 MINORS United Arab Emirates, action filed against minor, 28:41 MITIGATION OF DAMAGES Canada, 6:59 MODEL CLAUSES AND LAWS ICSID model clauses, 42:1 International Centre for Settlement of Investment Disputes, 42:1 UNCITRAL Model Law on International Commercial Arbitration generally, 42:2 Austria, 3:115	Arbitration agreement drafting guide, 41:14 Code of Procedure, 41:13 Fee schedule to Code of Procedure, 41:15 NIGERIA Generally, 21:1 to 21:25 Absence of choice of law, law of closest connection, 21:13 Appellate courts, jurisdiction, 21:4 Arbitration generally, 21:17 applicable law and procedure, 21:21 arbitral tribunal, 21:19, 21:20 arbitration agreement, 21:18 binding effect of arbitral awards, generally, 21:23 composition of arbitral tribunal, 21:19 enforcement of arbitral awards, gener-

NIGERIA—Cont'd	NIGERIA—Cont'd
Arbitration—Cont'd	High court of federal capital territory,
interim measures in support of	jurisdiction, 21:6
arbitration proceedings, 21:22	Implied choice of law by parties, 21:12
international commercial arbitral	Interim measures in support of arbitra-
award, setting aside and non-	tion proceedings, 21:22
recognition, 21:25	Introduction to Nigerian legal system,
jurisdiction of arbitral tribunal, 21:20	21:1
non-recognition of international commercial arbitral award, 21:25	Judgment of Lagos state high court, 21:16
recognition and enforcement of foreign arbitral awards, 21:24	Judicial system and structure of courts, 21:3
selection of arbitral tribunal, 21:19	Jurisdiction and choice of forum
setting aside international commercial arbitral award, 21:25	Nigerian Supreme Court Act, 40:11 Nigerian Supreme Court Rules, 40:12
Binding effect of arbitral awards, gener-	Jurisdiction of arbitral tribunal, 21:20
ally, 21:23	Jurisdiction of courts
Choice of law	appellate courts, 21:4
generally, 21:10	courts of appeals, 21:4
absence of choice of law, law of clos-	federal high court, 21:5
est connection, 21:13	high court of federal capital territory,
express choice of parties, 21:11	21:6
implied choice of parties, 21:12	state high courts, 21:6
Commencement of suit, Lagos state high	supreme court, 21:4
court, 21:14	trial courts, 21:5, 21:6
Court of appeals, jurisdiction, 21:4	Lagos state high court
Courts	commencement of suit, 21:14
jurisdiction in respect to transpational	evidence, 21:15
disputes. Jurisdiction of courts,	judgment and enforcement, 21:16
below	trial litigations, generally, 21:14 to
Lagos state high court, below	21:16
service of court process, below	Law of closest connection, 21:13
structure, 21:3	Legal system
Court structure	introduction, 21:1
Nigerian Supreme Court Act, 40:11	sources of laws, 21:2
Nigerian Supreme Court Rules, 40:12	Non-recognition of international com-
Enforcement of arbitral awards, generally, 21:23	mercial arbitral award, 21:25 Parties' express choice of law, 21:11
Enforcement of foreign arbitral awards,	Parties' implied choice of law, 21:12
21:24	Recognition and enforcement of foreign
Enforcement of judgment of Lagos state high court, 21:16	arbitral awards, 21:24
Evidence, Lagos state high court, 21:15	Service of court process
Express choice of law by parties, 21:11	generally, 21:7
Federal high court, jurisdiction, 21:5	service of process abroad in relation
Foreign jurisdictions	to domestic proceeding, 21:8
Nigerian Supreme Court Act, 40:11	service of process domestically in relation to foreign proceeding,
Nigerian Supreme Court Rules, 40:12	21:9

NIGERIA—Cont'd

Service of court process abroad in relation to domestic proceeding, 21:8

Service of court process domestically in relation to foreign proceeding, **21:9**

Setting aside international commercial arbitral award, 21:25

Sources of laws, 21:2

State high courts, jurisdiction, 21:6

Supreme court jurisdiction, 21:4

Trial courts, jurisdiction, 21:5, 21:6

OATHS

Italy, admissibility and presentation at trial of evidence taken domestically or abroad, 17:34 to 17:36

OBTAINING JURISDICTION AND CHOICE OF FORUM

Canada (this index)
Denmark, 10:3

PARALLEL PROCEEDINGS

Australia (this index)

Austria (this index)

Belgium, obtaining jurisdiction and choice of forum, **4:12**

Brazil, obtaining jurisdiction and choice of forum, 5:11

Canada, obtaining jurisdiction and choice of forum, **6:8**

China, People's Republic, obtaining jurisdiction and choice of forum, 7:10

Czech Republic, obaming jurisdiction, 9:12

Finland, obtaining jurisdiction and choice of forum, 11:10

France, obtaining jurisdiction and choice of forum, 12:10

Germany, obtaining jurisdiction and choice of forum, 13:10

Hungary, obtaining jurisdiction and choice of forum, **14:14**

Japan, obtaining jurisdiction and choice of forum, 18:11

Korea, obtaining jurisdiction and choice of forum, **19:8**

Kuwait, 20:10, 20:33

Sweden, obtaining jurisdiction and choice of forum, 24:10

PARALLEL PROCEEDINGS—Cont'd

Switzerland, obtaining jurisdiction and choice of forum, **25:10**

Turkey, obtaining jurisdiction and choice of forum, 27:15

United Kingdom, obtaining jurisdiction and choice of forum, 29:10

United States of America, obtaining jurisdiction and choice of forum, 30:10

Uruguay, obtaining jurisdiction and choice of forum, **31:7**

PARTY AUTONOMY

Australia (this index)

Austria (this index)

Belgium (this index)

Brazil (this index)

Canada (this index)

China, People's Republic (this index)

Czech Republic (this index)

Finland (this index)

France (this index)

Germany (this index)

Hungary (this index)

India, 15:10

Ireland, 16:8

Italy (this index)

Japan (this index)

Korea (this index)

Kuwait (this index)

Singapore, 23:10

Sweden (this index)

Turkey (this index)

United Kingdom, 29:12, 29:14

United States of America, 30:7, 30:13

United States of America (this index)

Uruguay, 31:4, 31:9

PAYMENT ORDER

Korea, 19:26

PENALTIES

France, taking of witness evidence domestically in support of foreign proceedings, **12:48**

PERSONAL INJURY CLAIMS

Ireland, court procedure, 16:5

PERSONAL JURISDICTION **PHILIPPINES Australia** (this index) Generally, 22:1 to 22:21 Austria (this index) Admissibility and presentation at trial of **Belgium** (this index) evidence taken domestically or abroad, 22:14 **Brazil** (this index) Canada, 6:4 Appeal and review of transnational judgments, 22:15 China, People's Republic (this index) Arbitration, 22:21 **Czech Republic** (this index) **Finland** (this index) Choice of law. 22:4 France, obtaining jurisdiction and choice Commencement of suit, 22:7 of forum, 12:5 Compromise and settlement, 22:18 **Germany** (this index) Costs and fees, 22:20 Hungary, 14:6 Court structure, 22:2 India, 15:7, 15:9, 15:39 Damages, 22:16 Ireland, 16:6 Documentary evidence, 22:12, 22:13 **Japan** (this index) Emergency relief measures, 22:9 **Korea** (this index) Evidence **Kuwait** (this index) admissibility and presentation at trial of cyldence taken domestically **Sweden** (this index) or abroad, 22:14 **Switzerland** (this index) taking of documentary evidence Taiwan (this index) abroad in support of domestic Turkey (this index) action, 22:13 United Kingdom, 29:6 taking of documentary evidence United States of America, 30:6 domestically in support of **PETITIONS** foreign action, 22:12 taking of witness evidence abroad in Australia, 2:35, 2:36 support of domestic action, Austria, 3:38, 3:39 22:11 Belgium, 4:33, 4:34 taking of witness evidence domesti-Brazil, 5:36, 5:37 cally in support of foreign action, Canada, 6:24, 6:25 22:10 China, People's Republic, 7:35, 7:36 Fees and costs. 22:20 Czech Republic, 9:33, 9:34 Immunity of a sovereign, 22:19 Finland, 11:31, 11:32 Injunctions and similar emergency France, 12:37, 12:38 measures, 22:9 Germany, 13:33, 13:34 Interim and conservatory relief, 22:9 Hungary, 14:41, 14:42 Obtaining jurisdiction and choice of Italy, 17:22, 17:23 forum, 22:3 Japan, 18:34, 18:35 Recognition and enforcement of foreign Korea, 19:31, 19:32 civil-commercial judgments, 22:17 Kuwait, 20:30, 20:31 Service of process abroad to commence Sweden, 24:34, 24:35 domestic action, 22:6 Switzerland, 25:40, 25:41 Service of process domestically to commence foreign action, 22:5 Taiwan, 26:21 Settlement and compromise, 22:18 Turkey, 27:41, 27:42 Sovereign immunity, 22:19 United Kingdom, 29:36, 29:37 United States of America, 30:37, 30:38 Structure of courts, 22:2

PHILIPPINES—Cont'd Substantive and practical overview of key distinguishing issues in Philippines, 22:1 Summary judgments and equivalent proceedings, 22:8 Taking of documentary evidence abroad in support of domestic action, 22:13 Taking of documentary evidence domestically in support of foreign action, 22:12 Taking of witness evidence abroad in support of domestic action, 22:11	PRE-JUDGMENT ATTACHMENT —Cont'd Korea, 19:98 Kuwait, 20:100 Sweden, 24:90 Switzerland, 25:80 Turkey, 27:89 United Kingdom, 29:91 United States of America, 30:88 Uruguay, 31:75 PRINCIPAL AND AGENT Austria, 3:76 Brazil, 5:69
Taking of witness evidence domestically in support of foreign action, 22:10 Witness evidence, 22:10, 22:11	Finland, 11:65 France, 12:65 Gormany, 13:61
PLEADINGS Singapore, 23:24, 23:25 Switzerland, supplemental pleadings, 25:30 United Kingdom, 29:27, 29:29	Germany, 13:61 Hungary, 14:71 Japan, 18:69 Korea, 19:64 Kuwait, 20:67 PRIVILEGES
POST-JUDGMENT ATTACHMENT	in munities and Privileges (this index)
Australia, 2:92 Austria, 3:104 Belgium, 4:71 Brazil, 5:103 Canada, 6:76 Finland, 11:92 Japan, 18:97 Kuwait, 20:101 Sweden, 24:91 Switzerland, 25:81 Turkey, 27:90 United States of America, 30:89 Uruguay, 31:75	Australia, damages recovery in, 2:75 Austria, 3:78, 3:87 Belgium, damages recovery, 4:57 Brazil, 5:71, 5:85 Canada, Quebec, 6:63 China, People's Republic, 7:75 Finland, 11:67, 11:78 France, 12:67 Germany, 13:63, 13:76 Hungary, 14:73, 14:83 India, 15:34 Japan, 18:71, 18:80
POWER OF ATTORNEY Italy, 17:18 PRE-JUDGMENT ATTACHMENT Australia, 2:91 Austria, 3:104 Belgium, 4:71 Brazil, 5:102 Canada, 6:76 Finland, 11:92 Germany, 13:92	Korea, 19:66, 19:81 Kuwait, 20:69, 20:82 Sweden, 24:66, 24:76 Switzerland, 25:67 Taiwan, 26:48 Turkey, 27:72 United Kingdom, 29:75 United States of America, 30:73 Uruguay, 31:62
Japan, 18:96	Australia, 2:6, 2:37

PROPERTY—Cont'd	PUBLIC POLICY—Cont'd
Austria, 3:7 , 3:40	United Kingdom, 29:77
Belgium, 4:8	United States of America, 30:75
Brazil, 5:7 , 5:38	Uruguay, 31:64
Canada, 6:4 , 6:27	PUNITIVE/EXEMPLARY DAMAGES
China, People's Republic, 7:6, 7:37	
Czech Republic, 9:8	Australia, recognition and enforcement
Finland, 11:6, 11:33	of foreign civil and commercial judgments, 2:83
France, 12:6, 12:39	Austria, recognition and enforcement of
Germany, 13:6	foreign civil and commercial judg-
Hungary, 14:7 , 14:43	ments, 3:96
Ireland, 16:7	Brazil, 5:94
Italy, 17:7	Canada, 6:57
Japan, 18:7 , 18:36	China, People's Republic, 7:83
Korea, 19:33	Hungary, 14:92
Kuwait, 20:6 , 20:32	Japan, 18:88
Sweden, 24:36	Switzerland, 25:69
Switzerland, 25:6 , 25:42	Turkey, 27:81
Taiwan, 26:7 , 26:23	
Turkey, 27:11, 27:43	RECEIVER
United Arab Emirates, 28:17	Singapore, appointment, 23:35
United Kingdom, 29:7, 29:38	RECOGNITION AND
United States of America, 30:39	ENFORCEMENT OF FOREIGN
Office States of Afficinea, 30.37	CIVIL-COMMERCIAL
PUBLIC POLICY	JUDGMENTS
Australia (this index)	Australia (this index)
Austria (this index)	Austria (this index)
Belgium, damages, 4:59	Belgium (this index)
Belgium, damages, 4:59 Brazil, 5:87, 5:94 Canada (this index)	Brazil (this index)
Canada (this index)	Canada (this index)
China, People's Republic, 7:77, 7:83	China, People's Republic (this index)
Czech Republic, 9:65 , 9:71	Czech Republic (this index)
Finland, 11:80	Denmark, 10:17
Finland, damages, 11:80	European Community/European Union
France, 12:81	Convention on Jurisdiction and
Germany, 13:78, 13:84	Enforcement of Judgments in Civil
Hungary, 14:87, 14:92	and Commercial Matters, 35:3
Ireland, 16:16	Finland (this index)
Japan, 18:82 , 18:88	France (this index)
Korea, 19:83, 19:90	Germany (this index)
Kuwait, 20:84, 20:91	Hungary (this index)
Singapore, 23:46	India, 15:36
	Ireland (this index)
Singapore, recognition and enforcement	Japan (this index)
of foreign civil-commercial judg- ments, 23:46	Korea (this index)
· · · · · · · · · · · · · · · · · · ·	
Sweden, 24:78, 24:85	Kuwait (this index)
Switzerland, 25:69	Philippines, 22:17
Turkey, 27:74, 27:81	Sweden (this index)

INDEX

RECOGNITION AND
ENFORCEMENT OF FOREIGN
CIVIL-COMMERCIAL
JUDGMENTS—Cont'd
Switzerland (this index)
Taiwan (this index)
Turkey (this index)
United Kingdom (this index)
United States of America (this index)
Uruguay (this index)

RECOGNITION OF FOREIGN COUNTRY MONEY JUDGMENTS

United States statute, NY CPLR Art 53, 39:15

REFEREES

Cuba (this index)

REGULATORY LITIGATION

Generally, 1:2

RELEVANCE TO LATER EFFORTS TO RECOGNISE AND ENFORCE

Singapore (this index)

REPLY AND DEFENSE TO COUNTERCLAIM

Singapore, 23:23

REPLY OR REPLICATION

Switzerland, 25:28

REPUGNANT FOREIGN LAWS

Ireland, 16:16

ROMANIA

Court of International Commercial Arbitration of the Romanian Chamber of Commerce and Industry Arbitration Rules (in force 25 Mar 2010), **41:26**

RUSSIA

Hague Conventions, **33:9** Judicial Assistance in Russia, **33:9**

SALE OF GOODS

Brazil, 5:67

Convention on Contracts for the International Sale of Goods, **34:2**

Finland, 11:63 France, 12:63

SALE OF GOODS—Cont'd

Germany, 13:59
Hungary, 14:69
Japan, 18:67
Korea, 19:62
Kuwait, 20:65
United Arab Emirates, execution of judgments, 28:65

SAUDIA ARABIA

Foreign jurisdictions, Saudia Arabia, Law of Arbitration, 40:19 Jurisdiction and choice of forum, Saudia Arabia, Law of Arbitration, 40:19

SECRECY LAWS

Australia (this index)

Austria (this index)

Belgium, taking of witness evidence domestically in support of foreign proceedings, 4:36

Brazil, 5.41, 5:54

China, People's Republic, 7:39, 7:52

Czech Republic, 9:35, 9:46

Finland, 11:36, 11:50

France, 12:42, 12:53

Germany, 13:37, 13:49

Hungary, 14:45, 14:58

Japan, 18:39, 18:53

Korea, 19:36, 19:49

Kuwait, 20:51

Sweden, 24:39, 24:49

Switzerland, 25:45

Turkey, 27:46, 27:54

United Kingdom, 29:40, 29:52

SECURITY

Australia (this index)

Austria (this index)

Belgium, security for costs, 4:73

Brazil, 5:38, 5:106

Canada (this index)

China, People's Republic, 7:37, 7:94

Czech Republic, 9:78

Finland, 11:33, 11:95

France, 12:39, 12:95

Germany, security for costs, 13:95

Hungary, 14:43, 14:99

India, security for costs, 15:40

Ireland, security for costs, 16:40

SECURITY—Cont'd SERVICE OF PROCESS ABROAD IN Japan, 18:36, 18:99 RELATION TO DOMESTIC **PROCEEDING** Korea, 19:33, 19:101 Kuwait, 20:32, 20:104 Nigeria, 21:8 Singapore, security for costs, 23:50 SERVICE OF PROCESS ABROAD TO Sweden, 24:36, 24:94 **COMMENCE DOMESTIC** Switzerland, 25:42, 25:83 **ACTION** Taiwan, 26:23, 26:57 Philippines, 22:6 Turkey, 27:43, 27:92 **Singapore** (this index) United Kingdom, 29:38, 29:95 SERVICE OF PROCESS United States of America, 30:39, 30:92 DOMESTICALLY IN RELATION Uruguay, 31:78 TO FOREIGN PROCEEDING Nigeria, 21:9 **SERVICE OF PROCESS** Australia (this index) SERVICE OF PROCESS **Austria** (this index) DOMESTICAL Y TO Belgium (this index) COMMENCE FOREIGN ACTION **Brazil** (this index) Philippines, 22:5 Canada (this index) Singapore (this index) China, People's Republic (this index) SETTING ASIDE Czech Republic (this index) Nigeria, setting aside international com-Denmark, 10:5, 10:6 mercial arbitral award, 21:25 Finland (this index) SETTLEMENT AND COMPROMISE **France** (this index) **Australia** (this index) **Germany** (this index) **Austria** (this index) Hague Conventions, Service of Legal **Belgium** (this index) Documents Abroad, 33:2 **Brazil** (this index) Hungary (this index) Canada, 6:72 India, 15:13, 15:38 China, People's Republic (this index) Ireland (this index) Czech Republic (this index) Italy, 17:14 Denmark, 10:18 Japan (this index) Finland (this index) Korea (this index) France (this index) **Kuwait** (this index) **Germany** (this index) Nigeria (this index) Hungary (this index) Recommendations of Hague Special India, 15:37 Commission on Service, Taking of Evidence, and Access to Justice Ireland, 16:36 Convention, 33:16 Italy, 17:42 Sweden (this index) **Japan** (this index) **Switzerland** (this index) **Korea** (this index) Taiwan (this index) **Kuwait** (this index) Turkey (this index) Philippines, 22:18 **United Arab Emirates** (this index) **Singapore** (this index) United Kingdom (this index) Sweden, 24:87 **United States of America** (this index) **Switzerland** (this index) Uruguay (this index) Taiwan, 26:52

SETTLEMENT AND COMPROMISE	SINGAPORE—Cont'd
—Cont'd	Commencement of suit—Cont'd
The Netherlands, Royal Dutch Settle-	statement of defense, 23:21
ment Agreement, 42A:1	striking out the writ and pleadings,
The Netherlands, Royal Dutch Settle-	23:25
ment Notice, 42A:2 Turkey (this index)	writ of summons, 23:19, 23:25
United Kingdom (this index)	Complaint or statement of claim, 23:20
United States of America (this index)	Conventions
	recognition and enforcement of
SHARIA COURT	foreign civil-commercial judg-
United Arab Emirates, 28:8	ments, 23:43 service of process abroad to com-
SINGAPORE	mence domestic action, 23:15
Generally, 23:1 to 23:53	service of process domestically to
Ab initio objection to jurisdiction, 23:8	commence foreign action, 23:12
Admissibility and presentation at trial of	Costs and fees
evidence taken domestically or	generally, 23:56
abroad, 23:41	attorneys' fees, 23:53
Answer or statement of defence, 23:21	court costs, 23:51
Anton Piller order, 23:33	hearing fees, 23:51
Appointment of receiver, 23:35	interest on judgment debts, 23:52
Arbitration,	security for costs, 23:50
Singapore International Arbitration	
Act, 40:21	Counterclaim, 23:22, 23:23
Arbitration rules, Singapore Arbitration Act of 2001, 41:27	Court structure
	adjudication, time horizons, 23:4
Attorneys' fees, 23:53 Audience in court, role, 23:3	audience in court, role, 23:3
Challenges to jurisdiction, 23:7	foreign co-counsel, role, 23:3
Choice of forum clauses, 23:6	general structure, 23:2
Choice of law	Damages, 23:42
application of foreign substantive law,	Debtor's Act remedies, 23:34
23:9	Default judgments, service of process
choice-of-law clauses, 23:10	abroad to commence domestic
foreign substantive law, 23:9	action, 23:18
party autonomy, 23:10	Defense, 23:21, 23:23, 23:47
relevance to later efforts to recognise	Defenses, 23:47
and enforce, 23:11	Evidence
statutory and other bases for applica-	admissibility and presentation at trial
tion of foreign substantive law,	of evidence taken domestically
23:9	or abroad, 23:41
Commencement of suit	taking of witness evidence abroad in
generally, 23:19	support of domestic action, 23:38 to 23:40
counterclaim, 23:22	
defense, 23:21, 23:23, 23:47	taking of witness evidence domesti- cally in support of foreign action
pleadings, 23:24, 23:25	23:37
reply and defense to counterclaim, 23:23	Fees. Costs and fees, above
statement of claim, 23:20	Foreign co-counsel, role, 23:3

SINGAPORE—Cont'd	SINGAPORE—Cont'd
Foreign jurisdictions	Other means and absence of conventions
Singapore International Arbitration	—Cont'd
Act, 40:21	service of process domestically to
Forum non conveniens and equivalent	commence foreign action, 23:13
notions, 23:7	Party autonomy, choice of law, 23:10
Hearing fees, 23:51	Pleadings, 23:24, 23:25
Interest on judgment debts, 23:52	Procedural requirements for service of
Interim relief, injunctions and similar	process domestically, 23:14
emergency measures	Public policy issues, recognition and
generally, 23:29	enforcement of foreign civil-com-
Anton Piller order, 23:33	mercial judgments, 23:46
appointment of receiver, 23:35	Receiver, appointment, 23:35
Debtor's Act remedies, 23:34	Recognition and enforcement of foreign
	civil-commercial judgments
interlocutory mandatory injunctions, 23:31	conventions, 23:43
Mareva injunctions, 23:32	defenses, 23:47
	local procedural requirements, 23:45
ordinary interlocutory injunctions, 23:30	other means and absence of conven-
other forms of relief, 23:36	tion, 23:44
Interlocutory mandatory injunctions,	public policy issues, 23:46
23:31	Relevance to later efforts to recognise
Judicial authorities of foreign country,	and enforce
examination of witness by, 23:39	choice of law, 23:11
Leave of court to serve legal process out	obtaining jurisdiction and choice of
of jurisdiction, 23:16	forum, 23:8
Local procedural requirements, recogni-	Reply and defense to counterclaim,
tion and enforcement of foreign	23:23
civil-commercial judgments, 23:45	Security for costs, 23:50
Mareva injunctions, 23:32	Service of process abroad to commence
Obtaining jurisdiction and choice of	domestic action
forum	application, 23:17
generally, 23:5	conventions, 23:15
ab initio objection to jurisdiction,	default judgments, 23:18
23:8	leave of court to serve legal process
challenges to jurisdiction, 23:7	out of jurisdiction, 23:16
choice of forum clauses, 23:6	manner of application, 23:17
forum non conveniens and equivalent	Service of process domestically to com-
notions, 23:7	mence foreign action
relevance to later efforts to recognise	conventions, 23:12
and enforce, 23:8	other means and absence of conven-
statutory and other bases, 23:5	tions, 23:13
Ordinary interlocutory injunctions,	procedural requirements, 23:14
23:30	Settlement and compromise of proceed-
Other means and absence of conventions	ings
	effects on litigation, 23:49
recognition and enforcement of	<u> </u>
foreign civil-commercial judg- ments, 23:44	kinds of settlement and compromise, 23:48
11101110, 20011	#U+1U

SINGAPORE—Cont'd Singapore International Arbitration Act. 40:21 Special examiner, examination of witness by, 23:40 Statement of claim, 23:20 Statutory and other bases for obtaining jurisdiction and choice of forum, 23:5 Strategic considerations, summary judgments and equivalent proceedings, 23:28 Structure of courts. Court structure, above Substantive and practical overview of key distinguishing issues in Singapore, 23:1 Summary judgments and equivalent proceedings procedural requirements, 23:26 substantive requirements, 23:27 Table of Cases, App 23A Taking of witness evidence abroad in support of domestic action generally, 23:38 admissibility and presentation at trial of evidence taken domestically or abroad, 23:41 judicial authorities of foreign country, examination of witness by, 23:39 special examiner, examination of witness by, 23:40 Taking of witness evidence domestically in support of foreign proceedings generally, 23:37 admissibility and presentation at trial of evidence taken domestically or abroad, 23:41 Time factors in adjudication, 23:4 Witness evidence admissibility and presentation at trial of evidence taken domestically or abroad, 23:41 taking of witness evidence abroad in support of domestic action, above taking of witness evidence domesti-

SOUTH AFRICA

Arbitration, South African Arbitration Act, **40:13**

Arbitration Foundation of Southern Africa

administered arbitration and mediation, introduction to, 41:18 commercial arbitration rules, 41:19

recommended standard clauses, 41:20

Case law, In the Matter Between Michael Richman and Gershon Ben-Tovim, 43:1

Foreign jurisdictions

South African Arbitration Act, **40:13**In the Matter Between Michael Richman and Gershon Ben-Tovim, **43:1**

SOUTH KOREA

Hague Conventions, 33:10

Judicial Assistance in South Korea,
33:10

SOVERLIGN IMMUNITY

Australia (this index)

Austria (this index)

Belgium (this index)

Brazil (this index)

Canada (this index)

China, People's Republic (this index)

Czech Republic (this index)

Denmark, 10:19

Finland (this index)

France (this index)

Germany (this index)

Hungary (this index)

India, 15:38

Ireland, 16:37, 16:38

Italy (this index)

Japan (this index)

Korea (this index)

Kuwait (this index)

Philippines, 22:19

Sweden (this index)

Switzerland (this index)

Taiwan, 26:53

Turkey (this index)

United Kingdom (this index)

United States of America (this index)

Uruguay (this index)

Writ of summons, 23:19, 23:25

23:37

cally in support of foreign action,

STANDARDS OF BURDEN OF PROOF FOR DAMAGES RECOVERY

Evidence (this index)

STATE IMMUNITY

United Nations Convention and its effect, 1:7

STATUTE OF LIMITATIONS

Kuwait, damages, 20:86

STRATEGIC CONSIDERATIONS

Appeal and review of transnational

judgments, 19:77
Australia (this index)
Austria (this index)
Belgium (this index)
Brazil (this index)
Canada (this index)

China, People's Republic (this index)

Czech Republic (this index)

Finland (this index)
France (this index)
Germany (this index)
Hungary (this index)

Italy, 17:16

Japan (this index)

Korea (this index)

Kuwait (this index)

Singapore, summary judgments and equivalent proceedings, 23:28

Sweden (this index)
Switzerland (this index)
Turkey (this index)

United Kingdom (this index)

United States of America (this index)

Uruguay (this index)

STRATEGY

Generally, 1:1

SUBJECT MATTER JURISDICTION

Australia (this index) Austria (this index) Belgium (this index) Brazil (this index)

China, People's Republic (this index)

Czech Republic (this index)

Finland (this index)

SUBJECT MATTER JURISDICTION

-Cont'd

France, obtaining jurisdiction and choice of forum, 12:5

Germany (this index)

Hungary, 14:6
India, 15:39
Ireland, 16:6
Japan (this index)

Korea (this index)
Kuwait (this index)
Sweden (this index)
Switzerland (this index)
Turkey (this index)

United Kingdom, 29:6

United States of America, 30:6

SUBMISSION

Hungary, obtaining jurisdiction and choice of forum, **14:10**

SUMMARY JUDGMENTS AND EQUIVALENT PROCEEDINGS

Australia (this index) Austria (this index) Belgium (this index) Brazil (this index) Canada (this index)

China, People's Republic (this index)

Czech Republic (this index)

Denmark, 10:8
Finland (this index)
France (this index)
Germany (this index)
Hungary (this index)
India (this index)
Ireland, 16:24
Italy, 17:20
Japan (this index)
Versa (this index)

Korea (this index)
Kuwait (this index)
Philippines, 22:8
Singapore (this index)
Sweden (this index)
Switzerland (this index)

Taiwan, 26:20
Turkey (this index)

United Arab Emirates (this index)
United Kingdom (this index)

SUMMARY JUDGMENTS AND	SWEDEN—Cont'd
EQUIVALENT PROCEEDINGS	Arbitration Institute of Stockholm
—Cont'd	Chamber of Commerce—Cont'd
United States of America (this index)	rules of arbitration, 41:11
Uruguay (this index)	Attachment
SUMMONS	post-judgment attachment, sovereign immunity, 24:91
Hungary, commencement of suit, 14:32	pre-judgment attachment, sovereign
SUPPLEMENTAL PLEADINGS	immunity, 24:90
Switzerland, 25:30	Attorney-client privilege
SUPPLETORY OATH Italy, 17:35	taking of documentary evidence abroad in support of domestic action, 24:60
SWEDEN	taking of documentary evidence
Generally, 24:1 to 24:97	domestically in support of
Ab initio objection to jurisdiction, 24:9	foreign action, 24:54
Admissibility and presentation at trial of	Attorney fees, 24:97
evidence taken domestically or	Attorney work product privilege
abroad	taking of documentary evidence
abroad, use of evidence taken, 24:64	abroad in support of domestic action, 24:60
charter party, 24:65	taking of documentary evidence
commercial agency, 24:66 construction projects, 24:65	domestically in support of
construction work, 24:65	foreign action, 24:54
general requirements and practices,	Audience in court, rights, 24:3
24:62	Blocking statutes
insurance contracts, 24:65	taking of documentary evidence
procedural regulations, 24:61	domestically in support of
product liability, 24:66	foreign action, 24:49
regulated forms of evidence, 24:63	taking of witness evidence domesti-
Agency, admissibility and presentation	cally in support of foreign action, 24:39
at trial of evidence taken domesti-	
cally or abroad, 24:66	Cases from Supreme Court, App 24D Challenges to jurisdiction, 24:8
Answer or statement of defense, 24:28	Charter party, admissibility and presen-
Appeal and review of transnational judgments	tation at trial of evidence taken
generally, 24:67	domestically or abroad, 24:65
conclusiveness and finality of judg-	Choice of forum clauses, 24:7
ments, generally, 24:68	Choice of law
practical problems, 24:71	choice of law clauses, 24:12
procedural issues, 24:69	foreign substantive law, bases for
relevance to later efforts to recognize	application, 24:11
and enforce, 24:73	limits to use of foreign law, 24:14
strategic considerations, 24:72	party autonomy, 24:12
substantive issues, 24:70	relevance to later efforts to recognize
time factors, 24:71	and enforce, 24:13
Arbitration Institute of Stockholm	statutory and other bases for applica-
Chamber of Commerce	tion of foreign substantive law,
expedited arbitration rules, 41:12	24:11

SWEDEN—Cont'd

Civil and commercial judgments. Recognition and enforcement of foreign civil and commercial judgments, below

Commencement of suit answer or statement of defense, 24:28 complaint or statement of claim, 24:27

statement of defense, 24:28

Commercial agency, admissibility and presentation at trial of evidence taken domestically or abroad, 24:66

Complaint or statement of claim, 24:27 Compromise and settlement of proceedings, 24:87

Conclusiveness and finality of judgments, generally, **24:68**

Construction work, admissibility and presentation at trial of evidence taken domestically or abroad, 24:65

Contract, acceptable kinds of damages recovery in, **24:74**

Conventions, App 24B

recognition and enforcement of foreign civil-commercial judgments, 24:81

service of process abroad to commence domestic action, 24:21

service of process domestically to commence foreign action, 24:15

taking of documentary evidence abroad in support of domestic action, 24:56

taking of documentary evidence domestically in support of foreign action, 24:50

taking of witness evidence abroad in support of domestic action, 24:46

taking of witness evidence domestically in support of foreign proceedings, 24:40

Costs and fees

generally, 24:93 attorney fees, 24:97 court costs, 24:95 interest, 24:96

SWEDEN—Cont'd

Costs and fees—Cont'd security for costs, 24:94

Court structure

adjudication, time horizon and influencing factors, 24:4 audience rights, 24:3

general structure, 24:2

Currency conversion, damages recovery, **24:79**

Damages

generally, 24:74

acceptable kinds of damages recovery in contract, 24:74

currency conversion, 24:79

lost profits damages, specific issues, 24:75

non-contractual bases, damages recovery in, 24:76

other issues, 24:86

product liability, damages recovery in, 24:76

public policy constraints, 24:78 standards of burden of proof for recovery, 24:77

tort action, damages recovery in, **24:76**

Default judgments

service of process abroad to commence domestic action, 24:26

service of process domestically to commence foreign action, **24:20**

Discovery

taking of documentary evidence domestically in support of foreign action, 24:49

taking of witness evidence domestically in support of foreign action, 24:39

Documentary evidence

taking of documentary evidence abroad in support of domestic action, below

taking of documentary evidence domestically in support of foreign action, below

Emergency relief measures. Interim and conservatory relief, injunctions and similar emergency measures, below

SWEDEN—Cont'd Enforcement of judgments against foreign sovereigns, 24:91, 24:92 Enforcement of jurisdiction, 24:9 Evidence damages recovery, standards of burden of proof, 24:77 taking of documentary evidence abroad in support of domestic action, below taking of documentary evidence domestically in support of foreign action, below taking of witness evidence abroad in support of domestic action, below taking of witness evidence domestically in support of foreign action, below Expert evidence, taking of witness evidence domestically in support of foreign proceedings, 24:44 Fees. Costs and fees, above Forum non conveniens and equivalent notions, 24:8 Immunities and privileges

abroad in support of domestic action, 24:60 taking of documentary evidence domestically in support of foreign action, 24:54

taking of documentary evidence

sovereign immunity, below

Injunctions. Interim and conservatory relief, injunctions and similar emergency measures, below

Insurance, admissibility and presentation at trial of evidence taken domestically or abroad, **24:65**

Interest, costs and fees, 24:96

Interim and conservatory relief, injunctions and similar emergency measures

foreign sovereigns, injunction against, 24:90

parallel proceedings, possible strategies, **24:37**

petitions abroad, in connection with domestic proceedings, **24:34**

SWEDEN-Cont'd

Interim and conservatory relief, injunctions and similar emergency measures—Cont'd petitions domestically, in support of foreign proceedings, 24:35 property as security device, 24:36 strategies in event of parallel proceedings, 24:37

Limits to use of foreign law, choice of

law, **24:14**

Literature, App 24C

Local procedural requirements at place of action

recognition and enforcement of foreign civil-commercial judgments, 24:83

service of process abroad to commence domestic action, 24:23

service of process domestically to commence foreign action, **24:17**

Lost profits damages, specific issues, 24:75

Von-contractual bases, damages recovery in, **24:76**

Obtaining jurisdiction and choice of forum

generally, 24:5

ab initio objection to jurisdiction, **24:9**

challenges to jurisdiction, 24:8 choice of forum clauses, 24:7

enforcement of jurisdiction, 24:9

forum non conveniens and equivalent notions, 24:8

parallel proceedings, 24:10

party autonomy, 24:7

personal jurisdiction, basis for acceptance, **24:6**

relevance to later efforts to recognize and enforce, 24:9

statutory and other bases, 24:6

subject matter jurisdiction, basis for acceptance, 24:6

Other means and absence of conventions recognition and enforcement of foreign civil-commercial judgments, 24:82

SWEDEN—Cont'd

Other means and absence of conventions
—Cont'd

taking of documentary evidence abroad in support of domestic action, 24:57

taking of documentary evidence domestically in support of foreign action, 24:51

taking of witness evidence abroad in support of domestic action, 24:47

taking of witness evidence domestically in support of foreign proceedings, 24:41

Parallel proceedings, obtaining jurisdiction and choice of forum, 24:10

Party autonomy

choice of law, 24:12

obtaining jurisdiction and choice of forum, 24:7

Personal jurisdiction

obtaining jurisdiction and choice of forum, **24:6**

sovereign immunity, 24:89

Petitions abroad, in connection with domestic proceedings, interim and conservatory relief, 24:34

Petitions domestically, in support of foreign proceedings, interim and conservatory relief, 24:35

Post-judgment attachment, sovereign immunity, 24:91

Practical problems

appeal and review of transnational judgments, 24:71

recognition and enforcement of foreign civil-commercial judgments, 24:84

service of process abroad to commence domestic action, **24:24**

service of process domestically to commence foreign action, 24:18

summary judgments and equivalent proceedings, **24:31**

taking of documentary evidence abroad in support of domestic action, 24:58

taking of documentary evidence domestically in support of

SWEDEN—Cont'd

Practical problems—Cont'd foreign action, 24:52

taking of witness evidence domestically in support of foreign proceedings, 24:42

Pre-judgment attachment, sovereign immunity, **24:90**

Privileges. Immunities and privileges, above

Procedural requirements, summary judgments and equivalent proceedings, 24:29

Product liability

admissibility and presentation at trial of evidence taken domestically or abroad, 24:56

damages recovery, 24:76

Property as security device, 24:36

Public policy

damages, 24:78

recognition and enforcement of foreign civil-commercial judgments, 24:85

Recognition and enforcement of foreign civil-commercial judgments

generally, 24:80

conventions, 24:81

local procedural requirements at place of action, 24:83

other means and absence of convention, 24:82

practical problems, 24:84

public policy issues, 24:85

time factors, 24:84

Recognition and enforcement of judgments against foreign sovereigns, 24:91, 24:92

Relevance to later efforts to recognize and enforce

appeal and review of transnational judgments, 24:73

choice of law, 24:13

obtaining jurisdiction and choice of forum, 24:9

service of process abroad to commence domestic action, 24:25

service or process domestically to commence foreign action, 24:19

SWEDEN—Cont'd	SWEDEN—Cont'd
Relevance to later efforts to recognize	Service of process domestically to com-
and enforce—Cont'd	mence foreign action—Cont'd
summary judgments and equivalent	relevance to later efforts to recognize
proceedings, 24:33	and enforce, 24:19
taking of documentary evidence	time factors, 24:18
abroad in support of domestic	treaties, 24:16
action, place of judgment, 24:59	Settlement and compromise of proceed-
taking of documentary evidence domestically in support of	ings, 24:87
foreign action, place of evidence,	Sovereign immunity
24:53	generally, 24:88
taking of witness evidence abroad in	aids in enforcement of judgments against foreign sovereigns, 24:91
support of domestic action,	enforcement of judgments against
24:48	foreign sovereigns, 24:91, 24:92
taking of witness evidence domesti-	injunctive measures against foreign
cally in support of foreign	sovereigns 24.90
proceedings, 24:43	personal jurisdiction, 24:89
Rights of audience in court, 24:3	post-judgment attachment, 24:91
Secrecy laws	pre-judgment attachment, 24:90
taking of documentary evidence domestically in support of	recognition and enforcement of judg-
foreign action, 24:49	ments against foreign sovereigns,
taking of witness evidence domesti-	24:92
cally in support of foreign action,	service of process on foreign sovereigns, 24:88
Security	subject matter jurisdiction, 24:89
costs, security for, 24:94	Standards of burden of proof for dam-
property as security device, 24:35	ages recovery, 24:77
Service of process abroad to commence	Statement of claim, 24:27
domestic action	Statutes, App 24A
generally, 24:21	Statutory and other bases
conventions, 24:21	choice of law, 24:11
default judgments, 24:26	obtaining jurisdiction and choice of forum, 24:6
local procedural requirements at place	Strategic considerations
of action, 24:23	appeal and review of transnational
practical problems, 24:24	judgments, 24:72
relevance to later efforts to recognize	parallel proceedings, 24:37
and enforce, 24:25	summary judgments and equivalent
time factors, 24:24	proceedings, 24:32
treaties, 24:22	Structure of courts. Court structure,
Service of process domestically to com-	above
mence foreign action	Subject matter jurisdiction
generally, 24:15	obtaining jurisdiction and choice of
conventions, 24:15	forum, 24:6
default judgments, 24:20	sovereign immunity, 24:89
local procedural requirements at place	Substantive and practical overview of
of action, 24:17	key distinguishing issues in Swe-
practical problems, 24:18	den, 24:1

SWEDEN—Cont'd SWEDEN—Cont'd Substantive issues, choice of law, 24:11 Taking of documentary evidence domestically in support of foreign Summary judgments and equivalent proceedings action—Cont'd practical problems, 24:31 secrecy laws, 24:49 procedural requirements, 24:29 time factors, 24:52 time of discovery, 24:49 relevance to later efforts to recognize and enforcement, 24:33 Taking of witness evidence abroad in strategic considerations, 24:32 support of domestic action substantive requirements, 24:30 generally, 24:45 admissibility and presentation at trial time factors, 24:31 of evidence taken domestically Taking of documentary evidence abroad or abroad, above in support of domestic action conventions, 24:46 generally, 24:55 other means in absence of convenadmissibility and presentation at trial tions, 24:47 of evidence taken domestically relevance to later efforts to recognize or abroad, above and enforce at place of judgment, attorney-client privilege, 24:60 24:48 attorney work product privilege, 24:60 Taking of winess evidence domestically in support of foreign proceedings conventions, 24:56 generally, 24:38 other means and absence of conventions, 24:57 dmissibility and presentation at trial practical problems, 24:58 of evidence taken domestically or abroad, above privileges, 24:60 relevance to later efforts to recognize blocking statutes, 24:39 and enforce at place of judgment, conventions, 24:40 24:59 discovery, when and from whom, time factors, 24:58 24:39 Taking of documentary evidence expert evidence, special issues, 24:44 domestically in support of foreign other means and absence of convenaction tions, 24:41 generally, 24:49 practical problems, 24:42 admissibility and presentation at trial relevance to later efforts to recognize of evidence taken domestically and enforce, 24:43 or abroad, above secrecy laws, 24:39 attorney-client privilege, 24:54 time factors, 24:42 attorney work product privilege, Time factors 24:54 adjudication, time horizon and blocking statutes, 24:49 influencing factors, 24:4 conventions, 24:50 appeal and review of transnational discovery, 24:49 judgments, 24:71 other means and absence of convenrecognition and enforcement of tions, 24:51 foreign civil-commercial judgpractical problems, 24:52 ments, 24:84 privileges, 24:54 service of process abroad to comrelevance to later efforts to recognize mence domestic action, 24:24 and enforce at place of evidence, service of process domestically to 24:53 commence foreign action, 24:18

SWEDEN—Cont'd	SWITZERLAND—Cont'd
Time factors—Cont'd	Appeal and review of transnational
summary judgments and equivalent	judgments—Cont'd
proceedings, 24:31 taking of documentary evidence	substantive issues, 25:61
abroad in support of domestic	time factors, 25:62
action, 24:58	Arbitration, interim and conservatory relief in Swiss international arbitra-
taking of documentary evidence	tion, 25:44
domestically in support of	Attachment
foreign action, 24:49 , 24:52	post-judgment attachment, sovereign
taking of witness evidence domesti-	immunity, 25:81
cally in support of foreign action,	pre-judgment attachment, sovereign
24:39, 24:42	immunity, 25:80
Tort action, damages recovery in, 24:76	Attorney fees, 25:83, 25:85
Treaties	Attorneys fees, 25:83
service of process abroad to com-	Audience in court, rights, 25:3
mence domestic action, 24:22	Blocking statutes, taking of evidence
service of process domestically to	domestically in support of foreign
commence foreign action, 24:16	action, 25:45
Witness evidence	Challenges to jurisdiction, 25:8
taking of witness evidence abroad in	Choice of forum clauses, 25:7
support of domestic action, above	Choice of law
taking of witness evidence domesti-	choice of law clauses, 25:12
cally in support of foreign action,	foreign substantive law, bases for
above	application, 25:11
CWITZEDI AND	party autonomy, 25:12
SWITZERLAND	relevance to later efforts to recognize and enforce, 25:13
Generally, 25:1 to 25:85	· · · · · · · · · · · · · · · · · · ·
Ab initio objection to jurisdiction, 25:9	statutory and other bases for applica- tion of foreign substantive law,
Admissibility and presentation at trial of evidence taken domestically or	25:11
abroad	Civil and commercial judgments. Rec-
documentary evidence, 25:54	ognition and enforcement of
expert opinion, 25:57	foreign civil and commercial judg-
general principles, 25:53	ments, below
inspection by court, 25:56	Comity, service of process domestically
interrogation of parties, 25:58	to commence foreign action, 25:15
witnesses, 25:55	Commencement of suit
Answer to complaint, 25:27	answer to complaint, 25:27
Appeal and review of transnational	complaint or statement of claim,
judgments	25:26
generally, 25:59	conciliation proceedings, 25:24
conclusiveness and finality of judg-	counterclaims, 25:31
ments, generally, 25:59	duplicatio, 25:29
practical problems, 25:62	general principles of Swiss procedural
procedural issues, 25:60	law, 25:25
relevance to later efforts to recognize	impleader, 25:34
and enforce, 25:64	intervention, 25:35
strategic considerations, 25:63	joinder of claims and parties, 25:32

SWITZERLAND—Cont'd SWITZERLAND—Cont'd Commencement of suit—Cont'd Damages reply or replication, 25:28 generally, 25:65 statement of claim, 25:26 acceptable kinds of damages recovery in contract, 25:65 supplemental pleadings, 25:30 third-party claims, 25:33 currency conversion, 25:70 lost profits damages, specific issues, Commissioners 25:66 taking of documentary evidence domestically in support of non-contractual bases, damages recovery in, 25:67 foreign action, 25:51 taking of witness evidence domestiproduct liability, damages recovery in, 25:67 cally in support of foreign action, 25:49 public policy constraints, 25:69 Complaint or statement of claim, 25:26 punitive/exemplary damages, 25:69 Compromise of proceedings. Settlement standards of burden of proof for and compromise of proceedings, recovery, 25:68 below tort action, damages recovery in, Conciliation proceedings, commence-25:67 ment, 25:24 Default judgments Conclusiveness and finality of judgservice of process abroad to comments, generally, 25:59 n ence domestic action, 25:23 Contract, acceptable kinds of damages service of process domestically to recovery in, 25:65 commence foreign action, 25:18 Conventions Documentary evidence Lugano convention, 25:71 admissibility and presentation at trial recognition and enforcement of of evidence taken domestically foreign civil-commercial judgor abroad, 25:54 ments, 25:71 taking of documentary evidence service of process domestically to domestically in support of commence foreign action, 25:14 foreign action, below taking of evidence domestically in Duplicatio, commencement of suit, support of foreign action, 25:46 25:29 Costs and fees Emergency relief measures. Interim and generally, 25:83 conservatory relief, injunctions and attorney fees, 25:83, 25:85 similar emergency measures, below court costs, 25:84 Enforcement of judgments against security for costs and attorney's fees, foreign sovereigns, 25:81, 25:82 25:83 Enforcement of jurisdiction, 25:9 Counterclaims, 25:31 Evidence Court costs, 25:84 admissibility and presentation at trial Court structure of evidence taken domestically adjudication, time horizon and or abroad, above influencing factors, 25:4 damages recovery, standards of audience rights, 25:3 burden of proof, 25:68 foreign co-counsel, role, 25:3 expert opinion, 25:57 general structure, 25:2 Hague evidence convention, 25:46 Currency conversion, damages recovery, standards of burden of proof for dam-25:70 ages recovery, 25:68

SWITZERLAND—Cont'd Evidence—Cont'd

taking of documentary evidence domestically in support of foreign action, below

taking of evidence abroad in support of domestic action, 25:52

taking of evidence against foreign sovereign entities, 25:79

taking of evidence domestically in support of foreign proceedings, below

taking of witness evidence domestically in support of foreign action, below

Expert opinion, admissibility and presentation at trial of evidence taken domestically or abroad, **25:57**

Fees. Costs and fees, above

Foreign co-counsel, role, 25:3

Forum non conveniens and equivalent notions, 25:8

Hague evidence convention, 25:46

Immunities and privileges. Sovereign immunity, below

Impleader, 25:34

Injunctions. Interim and conservatory relief, injunctions and similar emergency measures, below

Inspection by court, admissibility and presentation evidence taken domestically or abroad, 25:56

Interim and conservatory relief, injunctions and similar emergency measures

foreign sovereigns, injunction against, **25:80**

international arbitration, 25:44

parallel proceedings, possible strategies, **25:43**

petitions abroad, in connection with domestic proceedings, **25:40**

petitions domestically, in support of foreign proceedings, **25:41**

property as security device, **25:42** strategies in event of parallel proceedings, **25:43**

Interrogation of parties, admissibility and presentation at trial of evidence

SWITZERLAND—Cont'd

taken domestically or abroad, 25:58

Intervention, 25:35

Joinder of claims and parties, 25:32

Judicial assistance

taking of documentary evidence domestically in support of foreign action, 25:50

taking of witness evidence domestically in support of foreign action, 25:48

Local procedural requirements at place of action, recognition and enforcement of foreign civil-commercial judgments, 25:73

Lost profits damages, specific issues, **25:66**

Lugano convention, recognition and enforcement of foreign civil-commercial judgments, 25:71

Non-contractual bases, damages recovery in, 25:67

Obtaining jurisdiction and choice of forum

generally, 25:5

ab initio objection to jurisdiction, 25:9

challenges to jurisdiction, **25:8** choice of forum clauses, **25:7**

enforcement of jurisdiction, 25:9

forum non conveniens and equivalent notions, 25:8

parallel proceedings, 25:10

party autonomy, 25:7

personal jurisdiction, basis for acceptance, 25:5

property as jurisdictional basis, **25:6** relevance to later efforts to recognize

and enforce, **25:9** statutory and other bases, **25:5**

subject matter jurisdiction, basis for acceptance, 25:5

Other means and absence of conventions recognition and enforcement of foreign civil-commercial judgments, 25:72

taking of evidence domestically in support of foreign action, 25:47

SWITZERLAND—Cont'd SWITZERLAND—Cont'd Overview of key distinguishing issues in Recognition and enforcement of foreign Switzerland, 25:1 civil-commercial judgments Parallel proceedings, obtaining jurisdic-—Cont'd tion and choice of forum, 25:10 Luago conventions, 25:71 Party autonomy other means and absence of convenchoice of law, 25:12 tion, 25:72 obtaining jurisdiction and choice of Recognition and enforcement of judgments against foreign sovereigns, forum, 25:7 25:81, 25:82 Party-to-party service domestically, 25:19 Relevance to later efforts to recognize and enforce Personal jurisdiction appeal and review of transnational obtaining jurisdiction and choice of judgments, 25:64 forum, 25:5 sovereign immunity, 25:78 choice of law, 25:13 obtaining jurisdiction and choice of Petitions abroad, in connection with forum, **25:9**\ domestic proceedings, interim and service of process abroad to comconservatory relief, 25:40 mence domestic action, 25:22 Petitions domestically, in support of service or process domestically to foreign proceedings, interim and commence foreign action, 25:17 conservatory relief, 25:41 Pleadings, supplemental pleadings, Relevance to later efforts to recognize and enforcement 25:30 summary judgments and equivalent Post-judgment attachment, sovereign proceedings, 25:39 immunity, 25:81 Relevant Conventions, App 25A Practical problems Reply or replication, 25:28 appeal and review of transnational Rights of audience in court, 25:3 judgments, 25:62 Secrecy laws, taking of evidence service of process abroad to comdomestically in support of foreign mence domestic action, 25:21 action, 25:45 service of process domestically to Security commence foreign action, 25:16 attorney's fees, security for, 25:83 summary judgments and equivalent costs, security for, 25:83 proceedings, 25:38 property as security device, 25:42 Pre-iudgment attachment, sovereign Service of process abroad to commence immunity, 25:80 domestic action Privileges. Immunities and privileges, generally, 25:20 above default judgments, 25:23 Product liability, damages recovery, 25:67 practical problems, 25:21 Property as jurisdictional basis, 25:6 relevance to later efforts to recognize and enforce, 25:22 Property as security device, 25:42 Public policy, damages, 25:69 time factors, 25:21 Service of process domestically to com-Punitive/exemplary damages, 25:69 mence foreign action Recognition and enforcement of foreign generally, 25:14 civil-commercial judgments comity, 25:15 conventions, 25:71 conventions, 25:14 local procedural requirements at place default judgments, 25:18 of action, **25:73**

SWITZERLAND—Cont'd	SWITZERLAND—Cont'd
Service of process domestically to com-	Strategic considerations—Cont'd
mence foreign action—Cont'd	parallel proceedings, 25:43
domestic law, 25:15	Structure of courts. Court structure,
party-to-party service in Switzerland,	above
25:19	Subject matter jurisdiction
practical problems, 25:16 relevance to later efforts to recognize	obtaining jurisdiction and choice of forum, 25:5
and enforce, 25:17	sovereign immunity, 25:78
treaties, 25:15	Substantive issues, choice of law, 25:11
Settlement and compromise of proceedings	Summary judgments and equivalent proceedings
generally, 25:74	generally, 25:36
formalities, 25:75	practical problems, 25:38
kinds of settlement and compromise,	relevance to later efforts to recognize
25:74 litigation, effect on, 25:76	and enforcement, 25:39
requirements, 25:75	substantive requirements, 25:37
Sovereign immunity	time factors, 25:38
generally, 25:77	Supplemental pleadings, 25:30
aids in enforcement of judgments	Table of Authorities, App 25C
against foreign sovereigns,	Table of Cases, App 25D
25:80, 25:81	Table of Statutes, App 25B
enforcement of judgments against	Taking of documentary evidence
foreign sovereigns, 25:81, 25:82	domestically in support of foreign action
injunctive measures against foreign	
sovereigns, 25:80	generally, 25:50
personal jurisdiction, 25:78	admissibility and presentation at trial of evidence taken domestically
post-judgment attachment, 25:31	or abroad, above
pre-judgment attachment, 25:80	Commissioners, 25:51
recognition and enforcement of judg- ments against fereign sovereigns,	judicial assistance, 25:50
25:82	Taking of evidence abroad in support of
service of process on foreign	domestic action, 25:52
sovereigns, 25:77	Taking of evidence against foreign
subject matter jurisdiction, 25:78	sovereign, 25:79
taking of evidence against foreign sovereign, 25:79	Taking of evidence domestically in sup- port of foreign action
taking of evidence against foreign	generally, 25:45
sovereign entities, 25:79	admissibility and presentation at trial
Standards of burden of proof for damages recovery, 25:68	of evidence taken domestically
Statement of claim, 25:26	or abroad, above
Statutory and other bases	blocking statutes, 25:45
choice of law, 25:11	conventions, 25:46
obtaining jurisdiction and choice of	Hague evidence convention, 25:46
forum, 25:5	secrecy laws, 25:45
Strategic considerations	Taking of witness evidence domestically
appeal and review of transnational	in support of foreign action
judgments, 25:63	generally, 25:48

TAIWAN—Cont'd SWITZERLAND—Cont'd Taking of witness evidence domestically Attorney-client privilege taking of documentary evidence in support of foreign action —Cont'd abroad in support of domestic admissibility and presentation at trial action, 26:39 of evidence taken domestically taking of witness evidence domestior abroad, above cally in support of foreign action, 26:28 Commissioners, 25:49 Attorney fees, 26:56 judicial assistance, 25:48 other means and absence of conven-Attorney work product privilege tions, 25:47 taking of documentary evidence abroad in support of domestic Third-party claims, 25:33 action, 26:39 Time factors taking of witness evidence domestiadjudication, time horizon and cally in support of foreign action, influencing factors, 25:4 26:28 appeal and review of transnational Audience in court rights, 26:3 judgments, 25:62 Burden of proof admissibility and preservice of process abroad to comsentation at trial of evidence taken mence domestic action, 25:21 domestically or abroad, 26:40 summary judgments and equivalent Challenges to jurisdiction, 26:11 proceedings, 25:38 Choice of forum clauses, 26:10 Tort actions, damages recovery in, Choice of law 25:67 choice of law clauses, 26:13 Witness evidence foreign substantive law, bases for admissibility and presentation at trial application, 26:12 of evidence taken domestically party autonomy, 26:13 or abroad, **25:55** statutory and other bases for applicataking of witness evidence domestition of foreign substantive law, cally in support of foreign action, above Civil and commercial judgments. Recognition and enforcement of **TAIWAN** foreign civil and commercial judg-Generally, 26:1 to 25:57 ments, below Admissibility and presentation at trial of Commencement of suit evidence taken domestically or answer to complaint, 26:19 abroad complaint or statement of claim, burden of proof, 26:40 26:18 documentary evidence, 26:42 defense, statement of, 26:19 witness evidence, 26:41 statement of claim, 26:18 Answer to complaint, 26:19 Complaint or statement of claim, 26:18 Appeal and review of transnational Compromise of proceedings. Settlement judgments and compromise of proceedings, generally, 26:43 below conclusiveness and finality of judg-Conclusiveness and finality of judgments, generally, 26:43 ments, generally, 26:43 procedural issues, 26:44 Concurrent jurisdiction, 26:8 substantive issues, 26:44 Contract, acceptable kinds of damages time factors, 26:45 recovery in, 26:46

TAIWAN—Cont'd	TAIWAN—Cont'd
Conventions	Discovery—Cont'd
recognition and enforcement of	taking of witness evidence domesti-
foreign civil-commercial judg-	cally in support of foreign action,
ments, 26:49	26:24
service of process abroad to com-	Disqualification/withdrawal, 26:5
mence domestic action, 26:16	Documentary evidence
service of process domestically to	admissibility and presentation at trial
commence foreign action, 26:14	of evidence taken domestically
taking of documentary evidence	or abroad, 26:42
abroad in support of domestic action, 26:36	Emergency relief measures. Interim and conservatory relief, injunctions and
taking of documentary evidence	similar emergency measures, below
domestically in support of	Evidence
foreign action, 26:32	expert evidence, taking of witness
taking of witness evidence abroad in	evidence domestically in support
support of domestic action,	of foreign action, 26:27
26:29	taking of documentary evidence
taking of witness evidence domesti-	abroad in support of domestic action, below
cally in support of foreign action,	
26:25	taking of documentary evidence domestically in support of
Costs and fees	foreign action, below
generally, 26:54	taking of witness evidence abroad in
attorney fees, 26:56	support of domestic action,
court costs, 26:54	below
interest, 26:55	taking of witness evidence domesti-
security for costs, 26:57 Court costs, 26:54 Damages generally, 26:46	cally in support of foreign action,
Court costs, 26:54	below
Damages	Evidence. Admissibility and presenta-
generally, 26:46	tion at trial of evidence taken
acceptable kinds of damages recovery	domestically or abroad, above
in contract, 25:45	Exclusive jurisdiction, 26:9
lost profits damages, specific issues,	Expert evidence, taking of witness evi-
26:47	dence domestically in support of foreign action, 26:27
non-contractual bases, damages	Fees. Costs and fees, above
recovery in, 26:48	Foreign co-counsel, role, 26:3
product liability, damages recovery	Immunities and privileges
in, 26:48	attorney-client privilege, 26:39
tort action, damages recovery in,	attorney work product privilege,
26:48	26:39 sovereign immunity, 26:53
Default judgments	Injunctions. Interim and conservatory
service of process abroad to com- mence domestic action, 26:17	relief, injunctions and similar emer-
Defense, statement of, 26:19	gency measures, below Interest, costs and fees, 26:55
Discovery	Interior and conservatory relief, injunc-
taking of documentary evidence	tions and similar emergency
domestically in support of	measures
foreign action, 26:31	petitions abroad, in connection with
,	,

TAIWAN—Cont'd Interim and conservatory relief, injunctions and similar emergency measures-Cont'd domestic proceedings, 26:21 petitions domestically, in support of foreign proceedings, 26:22 property as security device, 26:23 Lost profits damages, specific issues, 26:47 Non-contractual bases, damages recovery in, 26:48 Obtaining jurisdiction and choice of forum generally, 26:6 challenges to jurisdiction, 26:11 choice of forum clauses, 26:10 concurrent jurisdiction, 26:8 exclusive jurisdiction, 26:9 party autonomy, 26:10 personal jurisdiction, basis for acceptance, 26:6 property as jurisdictional basis, 26:7 statutory and other bases, 26:6 subject matter jurisdiction, basis for acceptance, 26:6 Other means and absence of conventions recognition and enforcement of foreign civil-commercial judgments, 26:49 taking of documentary evidence abroad in support of domestic action, 26.36 taking of documentary evidence domestically in support of foreign action, 26:32 taking of witness evidence abroad in support of domestic action, 26:29 taking of witness evidence domestically in support of foreign action, 26:25 Other means in absence of conventions service of process abroad to com-

mence domestic action, 26:16

obtaining jurisdiction and choice of

TAIWAN—Cont'd Personal jurisdiction obtaining jurisdiction and choice of forum, 26:6 Petitions abroad, in connection with domestic proceedings, interim and conservatory relief, 26:21 Petitions domestically, in support of foreign proceedings, interim and conservatory relief, 26:22 Practical problems service of process domestically to commence foreign action, 26:15 taking of documentary evidence abroad in support of domestic action, 26:37 taking of documentary evidence domestically in support of foreign action, 26:33 taking of witness evidence abroad in support of domestic action, 25:30 taking of witness evidence domestically in support of foreign action, Privileges taking of documentary evidence abroad in support of domestic action, 26:39 Privileges. Immunities and privileges, above Privileges and immunities attorney-client privilege, 26:28 Production of documents by third-party, 26:35 Product liability, damages recovery, 26:48 Property as jurisdictional basis, 26:7 Property as security device, 26:23 Recognition and enforcement of foreign civil-commercial judgments conventions, 26:49 other means and absence of convention, 26:49 other means and absence of conventions, 26:49 procedural requirements in Taiwan, 26:50

Relevance to later efforts to recognize

taking of documentary evidence

and enforce

Party autonomy

choice of law, 26:13

forum, 26:10

TAIWAN—Cont'd	TAIWAN—Cont'd
Relevance to later efforts to recognize	Subject matter jurisdiction
and enforce—Cont'd	obtaining jurisdiction and choice of
abroad in support of domestic action, 26:38	forum, 26:6
taking of documentary evidence	Substantive and practical overview of
domestically in support of	key distinguishing issues, 26:1
foreign action, 26:34	Summary judgments and equivalent proceedings, 26:20
Rights of audience in court, 26:3	Taking of documentary evidence abroad
Security	in support of domestic action
costs, security for, 26:57	generally, 26:36
property as security device, 26:23	attorney-client privilege, 26:39
Service of process abroad to commence	attorney work product privilege,
domestic action	26:39
generally, 26:16	conventions, 26:36
conventions, 26:16	other means and absence of conven-
default judgments, 26:17	tions, 26:3 6
other means in absence of conven-	practical problems, 26:37
tions, 26:16	privileges, 26:39
Service of process domestically to com- mence foreign action	relevance to later efforts to recognize
generally, 26:14	and enforce at place of judgment,
conventions, 26:14	26:38
other means in absence of conven-	time factors, 26:37
tions, 26:14	Taking of documentary evidence
practical problems, 26:15	domestically in support of foreign
time factors, 26:15	action
Settlement and compromise of proceed-	admissibility and presentation at trial of evidence taken domestically
ings	or abroad, above
generally, 26:51	conventions, 26:32
formalities, 26:52	discovery, 26:31
kinds of settlement and compromise,	other means and absence of conven-
26:51	tions, 26:32
litigation, effect on, 26:52	practical problems, 26:33
requirements, 26:52	relevance to later efforts to recognize
Sovereign immunity, 26:53	and enforce at place of service,
Statement of claim, 26:18	26:34
Statutory and other bases	third-party production of documents,
choice of law, 26:12	26:35
obtaining jurisdiction and choice of	time factors, 26:31, 26:33
forum, 26:6	Taking of evidence domestically in sup-
Structure	port of foreign action
adjudication, time horizon and	admissibility and presentation at trial
influencing factors, 26:4	of evidence taken domestically
audience rights, 26:3	or abroad, above
foreign co-counsel, role, 26:3	Taking of witness evidence abroad in
general structure, 26:2	support of domestic action
withdrawal/disqualification, 26:5	conventions, 26:29

TAIWAN—Cont'd TAIWAN—Cont'd Taking of witness evidence abroad in Witness evidence—Cont'd taking of witness evidence domestisupport of domestic action cally in support of foreign action, —Cont'd other means and absence of convenabove tions, 26:29 TAKING OF DOCUMENTARY practical problems, 26:30 EVIDENCE ABROAD IN Taking of witness evidence domestically SUPPORT OF DOMESTIC in support of foreign action ACTION generally, 26:24 Australia (this index) admissibility and presentation at trial Austria (this index) of evidence taken domestically Belgium, 4:46 to 4:48 or abroad, above Brazil (this index) attorney-client privilege, 26:28 Canada (this index) attorney work product privilege, China, People's Republic (this index) 26:28 Czech Republic (this index) conventions, 26:25 Denmark, 10:13 discovery, 26:24 Finland (this index) expert evidence, 26:27 France (this index) other means and absence of conven-Germany (this index) tions, 26:25 Hungary (this index) practical problems, 26:26 India (this index) privileges, 26:28 Ireland, 16:28, 16:29 time factors, 26:24, 26:26 Japan (this index) Third-party production of documents, Korea (this index) 26:35 Kuwait (this index) Time factors Philippines, 22:13 adjudication, time horizon and Sweden (this index) influencing factors, 26:4 Turkey (this index) appeal and review of transnational **United Kingdom** (this index) judgments, 26:45 **United States of America** (this index) service of process don estically to **Uruguay** (this index) commence foreign action, 26:15 taking of documentary evidence TAKING OF DOCUMENTARY abroad in support of domestic EVIDENCE DOMESTICALLY IN action, 26:37 SUPPORT OF FOREIGN taking of documentary evidence ACTION domestically in support of Australia (this index) foreign action, 26:31, 26:33 Austria (this index) taking of witness evidence domesti-Belgium (this index) cally in support of foreign action, **Brazil** (this index) 26:24, 26:26 Canada (this index) Tort actions, damages recovery in, China, People's Republic (this index) 26:48 Czech Republic (this index) Withdrawal/disqualification, 26:5 Denmark, 10:12 Witness evidence Finland (this index) admissibility and presentation at trial **France** (this index) of evidence taken domestically Germany (this index) or abroad, 26:41

TAKING OF DOCUMENTARY EVIDENCE DOMESTICALLY IN SUPPORT OF FOREIGN

ACTION—Cont'd Hungary (this index) India (this index) Italy (this index)

Japan (this index) Korea (this index) Kuwait (this index) Philippines, 22:12

Sweden (this index) Switzerland, 25:50, 25:51

Turkey (this index)
United Kingdom (this index)

United States of America (this index)

Uruguay (this index)

TAKING OF EVIDENCE ABROAD IN CIVIL OR COMMERCIAL MATTERS

Hague Convention on Taking of Evidence Abroad in Civil or Commercial Matters, **33:14**

TAKING OF EVIDENCE ABROAD IN SUPPORT OF DOMESTIC ACTION

Switzerland, 25:52

TAKING OF WITNESS EVIDENCE ABROAD IN SUPPORT OF DOMESTIC ACTION

Australia (this index)
Austria (this index)
Belgium (this index)
Brazil (this index)
Canada (this index)

China, People's Republic (this index)

Czech Republic (this index)

Denmark, 10:11
Finland (this index)
France (this index)
Germany (this index)
Hungary (this index)
India (this index)
Ireland, 16:27, 16:29
Italy (this index)
Japan (this index)
Korea (this index)

TAKING OF WITNESS EVIDENCE ABROAD IN SUPPORT OF DOMESTIC ACTION—Cont'd

Kuwait (this index)
Philippines, 22:11
Singapore, 23:38
Sweden (this index)
Turkey (this index)

United Kingdom (this index)

United States of America (this index)

Uruguay (this index)

TAKING OF WITNESS EVIDENCE DOMESTICALLY IN SUPPORT OF FOREIGN ACTION

Australia (this index)
Austria (this index)
Belgium (this index)
Brazil (this index)
Canada (this index)

China, People's Republic (this index)

Czech Republic (this index)

Decamark, 10:10
Finland (this index)
France (this index)
Germany (this index)
Hungary (this index)
India (this index)
Ireland, 16:26, 16:29
Italy (this index)
Japan (this index)

Japan (this index)
Korea (this index)
Kuwait (this index)
Philippines, 22:10
Singapore (this index)
Sweden (this index)
Switzerland, 25:48, 25:49
Turkey (this index)

United Kingdom (this index)

United States of America (this index)

Uruguay (this index)

TERRITORIAL JURISDICTION

India, 15:8

THE NETHERLANDS

Hague Conventions, 33:8

Judicial Assistance in The Netherlands, 33:8

THE NETHERLANDS—Cont'd

Royal Dutch Class Action Judgment, 42A:3

Royal Dutch Shell Settlement Agreement, **42A:1**

Royal Dutch Shell Settlement Notice, 42A:2

THE UNITED KINGDOM

Jurisdiction and choice of forum English Arbitration Act, **40:3**

THIRD-PARTY CLAIMS

Switzerland, 25:33

TIME FACTORS

Australia (this index)

Austria (this index)

Belgium (this index)

Brazil (this index) **Canada** (this index)

Cli D Li D Li (1

China, People's Republic (this index)

Czech Republic (this index)

Finland (this index)

France (this index)

Germany (this index)

Hungary (this index)

India (this index)

Ireland (this index)

Italy, 17:28

Japan (this index)

Korea (this index)

Kuwait (this index)

Sweden (this index)

Switzerland (this index)

Taiwan (this index)

Turkey (this index)

United Arab Emirates (this index)

United Kingdom (this index)

United States of America (this index)

Uruguay (this index)

TORT ACTION

Alien's Action for Tort, United States statute, **39:11**

Australia, damages recovery in, 2:75

Austria, 3:77, 3:87

Belgium, damages recovery, 4:57

Brazil, 5:70, 5:85

Canada, 6:55

TORT ACTION—Cont'd

China, People's Republic, 7:75

Finland, 11:66, 11:78

France, 12:66

Germany, 13:62, 13:76

Hungary, 14:72, 14:83

India, 15:34

Japan, 18:70, 18:80

Korea, 19:65, 19:81

Kuwait, 20:68, 20:82

Sweden, 24:76

Switzerland, 25:67

Taiwan, 26:48

Turkey, 27:72

United Kingdom, 29:75

United States of America, 30:73

Uruguay, 31:62

TRANSNATIONAL REGULATORY LITIGATION

Generally, 1:2

TREATIES

Bilateral Treaties and Conventions

(this index)

Contracting Parties to the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, 1997, **37:2**

Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and Related Documents, **37:1**

Council of Europe Conventions (this index)

European Community/European Union Conventions (this index)

Hague Conventions (this index)

Inter-American Conventions (this index)

International Convention on Choice of Courts, Status Table, and Recommended Form, **37:3**

United Nations Conventions (this index)

TRIBUNALS

United Kingdom, 29:5

TURKEY

Generally, 27:1 to 27:95

ΓURKEY—Cont'd	TURKEY—Cont'd
Ab initio objection to jurisdiction, 27:14	Attorney work product privilege
Admissibility and presentation at trial of	—Cont'd
evidence taken domestically or	proceedings, 27:52
abroad	Audience in court, rights, 27:7
burden of proof, 27:63	Bilateral Treaties for Legal Assistance,
categories of evidence, 27:64	App 27C
general requirements and practices,	Blocking statutes
presentation of evidence at trial, generally, 27:65	taking of documentary evidence domestically in support of foreign action, 27:54
Answer or statement of defense, 27:33 Appeal and review of transnational judgments	taking of witness evidence domestically in support of foreign action, 27:46
generally, 27:66	Burden of proof
conclusiveness and finality of judg- ments, generally, 27:67 practical problems, 27:68	admissibility and presentation at trial of evidence taken domestically or abroad, 27:63
procedural issues, 27:67	standards of Surden of proof for dam-
relevance to later efforts to recognize and enforce, 27:69	ages recovery, 27:73
strategic considerations, 27:68	Categories of evidence, admissibility and presentation at trial, 27:64
substantive issues, 27:67	Challenges to jurisdiction, 27:13
time factors, 27:68	Choice of forum clauses, 27:12
Attachment	Choice of law
post-judgment attachment, sovereign	
immunity, 27:90	choice of law clauses, 27:17
pre-judgment attachment, sovereign immunity, 27:89	foreign substantive law, bases for application, 27:16
Attorney-client privilege	party autonomy, 27:17
taking of documentary evidence abroad in support of domestic	relevance to later efforts to recognize and enforce, 27:18
action, 27:51	statutory and other bases for applica- tion of foreign substantive law,
taking of documentary evidence domestically in support of	27:16
foreign action, 27:58	Civil and commercial judgments. Rec-
taking of witness evidence domesti- cally in support of foreign	ognition and enforcement of foreign civil and commercial judg- ments, below
proceedings, 27:52	Commencement of suit
Attorney fees, 27:95	answer or statement of defense, 27:33
Attorney work product privilege	complaint or statement of claim,
taking of documentary evidence abroad in support of domestic	27:32 content of complaint or statement of
action, 27:61	claim, 27:32
taking of documentary evidence domestically in support of foreign action, 27:58	form of complaint or statement of claim, 27:32
taking of witness evidence domesti-	statement of defense, 27:33
cally in support of foreign	strategic considerations, 27:32

TURKEY—Cont'd TURKEY—Cont'd Commencement of suit—Cont'd Court structure-Cont'd substance of complaint or statement hierarchy of local court system, 27:6 of claim, 27:32 local court system, organization and hierarchy, 27:6 Complaint or statement of claim, 27:32 Compromise of proceedings. Settlement organization of local court system, and compromise of proceedings, 27:6 below Currency conversion, damages recovery, Conclusiveness and finality of judg-27:75 ments, generally, 27:67 Damages Content of complaint or statement of generally, 27:70 claim, 27:32 acceptable kinds of damages recovery Contingent fees, 27:95 in contract, 27:70 Contract, acceptable kinds of damages currency conversion, 27:75 recovery in, 27:70 lost profits damages, specific issues, Conventions 27:71 recognition and enforcement of non-contractual bases, damages foreign civil-commercial judgrecovery 11, 27:72 ments, 27:77 product liability, damages recovery Selected International Conventions in, 27:72 and Bilateral Treaties, App 27D public policy constraints, 27:74 service of process abroad to compuntive damages, 27:81 mence domestic action, 27:26 tandards of burden of proof for service of process domestically to recovery, 27:73 commence foreign action, 27:20 tort action, damages recovery in, taking of documentary evidence 27:72 abroad in support of domestic Default judgments action, 27:59 recognition and enforcement of taking of documentary evidence foreign civil-commercial judgdomestically in support of ments, 27:81 foreign action, 27:55 service of process abroad to comtaking of witness evidence domestimence domestic action, 27:31 cally in support of foreign service of process domestically to proceedings, 27:47 commence foreign action, 27:25 Costs and fees Discovery generally, 27:92 recognition and enforcement of attorney fees, 27:95 foreign civil-commercial judgments, 27:81 contingent fees, 27:95 taking of documentary evidence court costs, 27:93 domestically in support of fee schedules, 27:95 foreign action, 27:54 interest, 27:94 taking of witness evidence domestisecurity for costs, 27:92 cally in support of foreign action, Court costs, 27:93 27:46 Court structure Documentary evidence adjudication, time horizon and taking of documentary evidence influencing factors, 27:8 abroad in support of domestic audience rights, 27:7 action, below foreign co-counsel, role, 27:7 taking of documentary evidence general structure, 27:5, 27:6 domestically in support of

TURKEY—Cont'd TURKEY—Cont'd Documentary evidence—Cont'd Immunities and privileges—Cont'd proceedings, 27:52 foreign action, below Emergency relief measures. Interim and Injunctions. Interim and conservatory conservatory relief, injunctions and relief, injunctions and similar emersimilar emergency measures, below gency measures, below Enforcement of judgments against Interest, costs and fees, 27:94 foreign sovereigns, 27:90, 27:91 Interim and conservatory relief, injunc-Enforcement of jurisdiction, 27:14 tions and similar emergency Evidence measures burden of proof, above generally, 27:40 damages recovery, standards of foreign sovereigns, injunction against, burden of proof, 27:73 parallel proceedings, possible strateexpert evidence, taking of witness evidence domestically in support gies, 27:44 petitions abroad, in connection with of foreign proceedings, 27:51 domestic proceedings, 27:41 taking of documentary evidence abroad in support of domestic petitions domestically, in support of foreign proceedings, 27:42 action, below taking of documentary evidence property as security device, 27:43 domestically in support of strategies in event of parallel proceedforeign action, below ings, 27:44 taking of evidence against foreign Legal system, background, 27:2 sovereign entities, 27:88 Legislation, hierarchy, 27:3 taking of witness evidence abroad in Local court system, 27:6 support of domestic action, Local procedural requirements at place of action taking of witness evidence domestirecognition and enforcement of cally in support of foreign action, foreign civil-commercial judgbelow ments, 27:79 Expert evidence, taking of witness eviservice of process abroad to comdence domestically in support of mence domestic action, 27:28 foreign proceedings 27:51 service of process domestically to Fees. Costs and fees, above commence foreign action, 27:22 Foreign co-counsel, role, 27:7 Lost profits damages, specific issues, Form of complaint or statement of claim, 27:32 Non-contractual bases, damages Forum non conveniens and equivalent recovery in, 27:72 notions, 27:13 Obtaining jurisdiction and choice of Hierarchy of legislation, 27:3 forum Immunities and privileges generally, 27:9 sovereign immunity, below ab initio objection to jurisdiction, taking of documentary evidence 27:14 abroad in support of domestic challenges to jurisdiction, 27:13 action, 27:61 choice of forum clauses, 27:12 taking of documentary evidence enforcement of jurisdiction, 27:14 domestically in support of foreign action, 27:58 forum non conveniens and equivalent notions, 27:13 taking of witness evidence domestiparallel proceedings, 27:15 cally in support of foreign

TURKEY—Cont'd TURKEY—Cont'd Obtaining jurisdiction and choice of Practical problems—Cont'd forum—Cont'd service of process abroad to commence domestic action, 27:29 party autonomy, 27:12 personal jurisdiction, basis for accepservice of process domestically to tance, 27:10 commence foreign action, 27:23 property as jurisdictional basis, 27:11 summary judgments and equivalent proceedings, 27:37 relevance to later efforts to recognize taking of documentary evidence and enforce, 27:14 domestically in support of statutory and other bases, 27:10 foreign action, 27:57 subject matter jurisdiction, basis for taking of witness evidence domestiacceptance, 27:10 cally in support of foreign Other means and absence of conventions proceedings, 27:49 recognition and enforcement of Pre-judgment attachment, sovereign foreign civil-commercial judgimmunity, 27:89 ments, 27:78 Presentation of evidence at trial. Admisservice of process abroad to comsibility and presentation at trial of mence domestic action, 27:27 evidence taken domestically or service of process domestically to abroad, above commence foreign action, 27:21 Privileges, Immunities and privileges, taking of documentary evidence above domestically in support of Procedural requirements, summary judgforeign action, 27:56 ments and equivalent proceedings, taking of witness evidence domesti-27:35 cally in support of foreign proceedings, 27:48 Product liability, damages recovery, 27:72 Parallel proceedings, obtaining jurisdiction and choice of forum, 27:15 Property Party autonomy jurisdictional basis, 27:11 choice of law, 27:17 security device, 27:43 obtaining jurisdiction and choice of Public policy forum, 27:12 damages, 27:74 Personal jurisdiction recognition and enforcement of obtaining jurisdiction and choice of foreign civil-commercial judgforum, 27:10 ments, 27:81 sovereign immunity, 27:87 Recognition and enforcement of foreign Petitions abroad, in connection with civil-commercial judgments domestic proceedings, interim and generally, 27:76 conservatory relief, 27:41 conventions, 27:77 Petitions domestically, in support of default judgments, 27:81 foreign proceedings, interim and discovery, 27:81 conservatory relief, 27:42 local procedural requirements at place Post-judgment attachment, sovereign of action, 27:79 immunity, 27:90 other means and absence of conven-Practical problems tion, 27:78 appeal and review of transnational practical problems, 27:80 judgments, 27:68 public policy issues, 27:81 recognition and enforcement of punitive damages, 27:81 foreign civil-commercial judgtime factors, 27:80 ments, 27:80

TURKEY—Cont'd	TURKEY—Cont'd
Recognition and enforcement of judg-	Service of process abroad to commence
ments against foreign sovereigns,	domestic action—Cont'd
27:90, 27:91	time factors, 27:29
Relevance to later efforts to recognize and enforce	Service of process domestically to com- mence foreign action
appeal and review of transnational	generally, 27:19
judgments, 27:69	conventions, 27:20
choice of law, 27:18	default judgments, 27:25
obtaining jurisdiction and choice of forum, 27:14	local procedural requirements at place of action, 27:22
service of process abroad to commence domestic action, 27:30	other means in absence of convention, 27:21
service or process domestically to	practical problems, 27:23
commence foreign action, 27:24	relevance to later efforts to recognize
summary judgments and equivalent proceedings, 27:39	and enforce, 27:24
taking of documentary evidence	time factors, 27 23
abroad in support of domestic	Service of process on foreign
action, 27:60	sovereigns, 27:86
taking of witness evidence domesti-	Settlement and compromise of proceed- ings
cally in support of foreign	formalities, 27:83
proceedings, 27:50	linds of settlement and compromise,
Rights of audience in court, 27:7	27:82
Rules Regarding Jurisdiction of Turkish	litigation, effect on, 27:84
Courts, App 27B	requirements, 27:83
Secrecy laws	Sovereign immunity
taking of documentary evidence	generally, 27:85
domestically in support of foreign action, 27:54	aids in enforcement of judgments
taking of witness evidence domesti-	against foreign sovereigns,
cally in support of foreign action,	27:89, 27:90
27:46	enforcement of judgments against
Security	foreign sovereigns, 27:90 , 27:91
costs, security for, 27:92	injunctive measures against foreign
property as security device, 27:43	sovereigns, 27:89
Selected International Conventions and	personal jurisdiction, 27:87
Bilateral Treaties, App 27D	post-judgment attachment, 27:90
Service of process abroad to commence	pre-judgment attachment, 27:89
domestic action	recognition and enforcement of judg-
generally, 27:26	ments against foreign sovereigns,
conventions, 27:26	27:91
default judgments, 27:31	service of process on foreign sovereigns, 27:86
local procedural requirements at place	subject matter jurisdiction, 27:87
of action, 27:28	
other means and absence of conventions, 27:27	taking of evidence against foreign sovereign entities, 27:88
practical problems, 27:29	Standards of burden of proof for dam-
relevance to later efforts to recognize	ages recovery, 27:73
and enforce, 27:30	Statement of claim, 27:32

TURKEY—Cont'a	TURKEY—Cont'd
Statutory and other bases	Taking of documentary evidence abroad
choice of law, 27:16	in support of domestic action
obtaining jurisdiction and choice of	—Cont'd
forum, 27:10	conventions, 27:59
Strategic considerations	privileges, 27:61
appeal and review of transnational	relevance to later efforts to recognize
judgments, 27:68	and enforce at place of service,
commencement of suit, 27:32	27:60
parallel proceedings, 27:44	Taking of documentary evidence
summary judgments and equivalent	domestically in support of foreign
proceedings, 27:38	action
Structure of courts. Court structure,	generally, 27:54
above	admissibility and presentation at trial
Subject matter jurisdiction	of evidence taken domestically
obtaining jurisdiction and choice of	or abroad, above
forum, 27:10	attorney-client privilege, 27:58
sovereign immunity, 27:87	attorney work product privilege,
Substance of complaint or statement of	27:58
claim, 27:32	blocking statutes, 27:54
Substantive and practical overview of	conventions, 27:55
key distinguishing issues in Turkey	discovery, 27:54
generally, 27:1	other means and absence of conven-
background of Turkish legal system,	tions, 27:56
27:2	practical problems, 27:57
court decisions, 27:4	privileges, 27:58
hierarchy of legislation, 27:3	secrecy laws, 27:54
historical perspective, 27:2	time factors, 27:57
Substantive issues, choice of law, 27:16	time of discovery, 27:54
Summary judgments and equivalent	Taking of witness evidence abroad in
proceedings	support of domestic action
generally, 27:34	generally, 27:53
practical problems, 27:37	admissibility and presentation at trial
procedural requirements, 27:35	of evidence taken domestically
relevance to later efforts to recognize	or abroad, above
and enforcement, 27:39	Taking of witness evidence domestically
strategic considerations, 27:38	in support of foreign proceedings
substantive requirements, 27:36	generally, 27:45
time factors, 27:37	admissibility and presentation at trial
Table of Statutes, App 27A	of evidence taken domestically
Taking of documentary evidence abroad	or abroad, above
in support of domestic action	attorney-client privilege, 27:52
generally, 27:59	attorney work product privilege,
The state of the s	27:52
admissibility and presentation at trial of evidence taken domestically	blocking statutes, 27:46
or abroad, above	conventions, 27:47
attorney-client privilege, 27:61	discovery, when and from whom,
	27:46
attorney work product privilege, 27:61	expert evidence, special issues, 27:51
4/.01	expert evidence, special issues, 27:51

TURKEY—Cont'd	UNCITRAL MODEL LAW ON
Taking of witness evidence domestically	INTERNATIONAL
in support of foreign proceedings	COMMERCIAL ARBITRATION
—Cont'd	—Cont'd
other means and absence of conven-	Austria, 3:115
tions, 27:48	Belgium, 4:80
practical problems, 27:49	Brazil, 5:114
privileges, 27:52	Case law, UNCITRAL arbitration cases
relevance to later efforts to recognize and enforce, 27:50	Chevron v. Ecuador UNCITRAL Arbitration Award, 45:2
secrecy laws, 27:46	Chevron v. Ecuador UNCITRAL
time factors, 27:49	Notice of Arbitration, 45:1
Time factors	Czech Republic, 9:85
adjudication, time horizon and	France, 12:103
influencing factors, 27:8	India, 15:47
appeal and review of transnational	Ireland, 16:48
judgments, 27:68	UNIFORM FOREICN
recognition and enforcement of	MONEY-JUDGMENTS
foreign civil-commercial judg- ments, 27:80	RECOGNITION ACT
service of process abroad to com-	United States Statute (13 Uniform Laws
mence domestic action, 27:29	An.otated 263 (1962)), 39:1
service of process domestically to	UNITED ARAB EMIRATES
commence foreign action, 27:23	Senerally, 28:1 to 28:72
summary judgments and equivalent	Administrative jurisdiction, 28:14
proceedings, 27:37	Alternative service, 28:28
taking of documentary evidence	
domestically in support of	Announcement on board, summons by, 28:29
foreign action, 27:54, 27:57	Appeal
taking of witness evidence domesti-	attachments, 28:52
cally in support of foreign action,	Court of Cassation, review of judg-
27:46, 27:49 Tort actions	ment, 28:72
damages recovery in, 27:72	execution proceedings, 28:67
Witness evidence	Application for attachment after main
taking of witness evidence abroad in	action is filed, 28:50
support of domestic action,	Application for attachment ex parte
above	before action, 28:49
taking of witness evidence domesti-	Attachments
cally in support of foreign action,	generally, 28:48
above	appeal, 28:52
UGANDA	application for attachment after main
Foreign jurisdictions	action is filed, 28:50
Ugandan Civil Procedure Act, 40:14	application for attachment ex parte
Jurisdiction and choice of forum	before action, 28:49
Ugandan Civil Procedure Act, 40:14	disposing of assets before order is
UNCITRAL MODEL LAW ON	enforced, 28:56
INTERNATIONAL	enforcement of attachment orders,
COMMERCIAL ARBITRATION	28:53
Generally, 42:2	land, 28:55

UNITED ARAB EMIRATES—Cont'd	UNITED ARAB EMIRATES—Cont'd
Attachments—Cont'd	Commencement of suits—Cont'd
objection against application, 28:51	time factors, 28:22
orders, enforcement, 28:53	witnesses, 28:35
sale of assets, 28:54	Constitutional law, 28:1
Attendance, 28:46	Constitutional structure of courts, 28:5
Auction sale, 28:65	to 28:9
Bar association, 28:3	Counterclaim, 28:39
Challenging execution proceedings,	Court of Cassation
28:63	application to suspend execution of
Challenging service of summons, 28:32	judgments, 28:70
Children, action filed against, 28:41	judgment of Court, 28:71
Choice of law	review of judgments, 28:72
enforcement of foreign judgments,	structure, 28:9
28:19	summary judgments, 28:69 to 28:72
local jurisdiction, 28:18	Court structure
Civil courts, 28:6	civil courts, 28:6
Clerks of court, 28:21	Court of Cassetion, below
Commencement of suits	criminal courts, 28:7
generally, 28:20	execution courts, application to, 28:63
attendance, 28:46	forum and jurisdiction of UAE courts,
claim for forgery documents, 28:37	below
counterclaim, 28:39	general structure, 28:4
court clerks, 28:21	Sharia Court, 28:8
default judgments, 28:43	Criminal courts, 28:7
defense, 28:34	Custodian, application for appointment, 28:61
discovery, 28:38	
enforcement of foreign judgments, 28:19	Default judgments, 28:43
experts, 28:36	Defendant, service on, 28:31
failure to attend, 28:46	Defense, 28:34
	Discovery, 28:38
filing statement of claim and documents, 28:21	Disposing of assets before attachment order is enforced, 28:56
forgery documents, 28:37	Documents
hearing, failure to attend, 28:46 interim judgment, 28:45	application for document status, 28:58
joining existing action, 28:40	filing to commence suit, 28:21
judgments, 28:42	forgery documents, claim for, 28:37
main action, 28:33	Enforcement of attachment orders,
minors, action filed against, 28:41	28:53
preliminary defense, 28:34	Enforcement of foreign judgments,
presence of both parties, judgment in,	28:19
28:44	Evidence, 28:36
proceeding with main action, 28:33	Execution courts, application to, 28:63
scheduled hearing, failure to attend,	Execution proceedings
28:46	generally, 28:62
service of summons, below	appeal, 28:67
special requirements, 28:23	application to execution courts, 28:63

UNITED ARAB EMIRATES—Cont'd	UNITED ARAB EMIRATES—Cont'd
Execution proceedings—Cont'd	Preliminary defense, 28:34
challenging execution proceedings, 28:64	Presence of both parties, judgment in, 28:44
Court of Cassation, application to	Proceeding with main action, 28:33
suspend execution of judgments,	Property as jurisdictional basis, 28:17
28:70	Real estate property, forum and jurisdic-
end of procedure, 28:66	tion of UAE courts, 28:15
execution courts, 28:63	Rent disputes, forum and jurisdiction of
sale by auction, 28:65	UAE courts, 28:13
sub-appeal, 28:68 Experts, 28:36	Review of judgments of Court of Cassation, 28:72
Failure to attend court or scheduled	Sale by auction, 28:65
hearing, 28:46	Sale of attachment assets, 28:54
Forgery documents, claim for, 28:37	Scheduled hearing, failure to attend,
Forum and jurisdiction of UAE courts	28:46
administrative jurisdiction, 28:14	Service of summons
forum non conveniens, 28:16	generally, 28:24
international jurisdiction, 28:11	alternative service, 28:28
jurisdictional real estate property,	announcement on board, summons
28:15	v., 28:29
labour jurisdiction, 28:12	another emirate, service in, 28:26
local jurisdiction, 28:10	challenging service of summons,
property as jurisdictional basis, 28:17	28:32
rent disputes, 28:13	defendant, service on, 28:31
Forum non conveniens, 28:16	foreign jurisdiction, service in, 28:27
Hearing, failure to attend, 28:46	local jurisdiction, 28:25
Interim judgment, 28:45	service in another emirate, 28:26
International jurisdiction, 28:11	twice, requirement for service, 28:30
Joining existing action, service of sum-	Sharia Court, 28:8
mons, 28:40	Statement of claim, filing to commence
Judgment of Court of Cassation, 28:71	suit, 28:21
Judgments, generally, 28:42	Structure of courts. Court structure,
Jurisdictional real estate property, 28:15	above
Labour jurisdiction, 28:12	Substantive and practical overview of key distinguishing issues
Land, attachment of, 28:55	generally, 28:1
Legal system, 28:2	bar association, 28:3
Local jurisdiction	constitutional law, 28:1
choice of law, 28:18	legal system, 28:2
forum and jurisdiction of UAE courts, 28:10	Summary judgments
service of summons, 28:25	generally, 28:47
Main action, 28:33	attachments, above
Minors, action filed against, 28:41	Court of Cassation, above
Objection against attachment applica-	custodian, application for appoint-
tion, 28:51	ment, 28:61
Orders of attachments, enforcement,	documents, order from another court
28:53	for, 28:60

129 Yukos Capital Sarl v. OJSC

Rosneft Oil Co., enforcement of

UNITED KINGDOM—Cont'd UNITED ARAB EMIRATES—Cont'd Summary judgments—Cont'd Appeal and review of transnational document status, application for, judgments-Cont'd district judge decision, appeals 28:58 against, 29:70 execution proceedings, above other urgent applications, 28:57 to House of Lords, appeal to, 29:72 28:61 master judge decision, appeals against, 29:70 survey, application for, 28:58 witness to be heard before main rights of appeal, 29:69 action, 28:59 Attachment, pre-judgment attachment, witness to be heard by deputation sovereign immunity, 29:91 from another court, 28:60 Attorney-client privilege Survey, application for, 28:58 taking of documentary evidence abroad in support of domestic Time factors action, 29:63 commencement of suit, 28:22 taking of documentary evidence disposing of assets before attachment order is enforced, 28:56 domestically in support of foreign action, 29:58 Twice, requirement that service be done, taking of witness evidence abroad in 28:30 support of domestic action, Witnesses 29:51 service of summons, 28:35 taking of witness evidence domestisummary judgments, application for cally in support of foreign witness to be heard before main proceedings, 29:44 action, 28:59 Attorney fees, 29:98 **UNITED KINGDOM** Attorney work product privilege Generally, 29:1 to 29:98 taking of documentary evidence Ab initio objection to jurisdiction, 29:3 abroad in support of domestic Access to justice, substantive and cractiaction, 29:63 taking of documentary evidence cal overview of key distinguishing issues in United Kingdom, 29:2 domestically in support of foreign action, 29:58 Administration of Justice Act (1920), taking of witness evidence abroad in App 29A support of domestic action, Admissibility and mesentation at trial of 29:51 evidence taken domestically or taking of witness evidence domestiabroad cally in support of foreign conclusion, 29:68 proceedings, 29:44 documentary evidence, 29:66 Blocking statutes evidence taken abroad, generally, taking of documentary evidence 29:67 domestically in support of general requirements and practices, foreign action, 29:52 29:64 taking of witness evidence domestioral evidence, 29:65 cally in support of foreign action, Appeal and review of transnational 29:40 judgments taking of witness evidence domestigenerally, 29:69 cally in support of foreign civil division of court of appeal, proceedings, 29:40, 29:52 appeal to, 29:71 Case law

conclusiveness and finality of judg-

ments, generally, 29:69

UNITED KINGDOM—Cont'd	UNITED KINGDOM—Cont'd
Case law—Cont'd	Conventions—Cont'd
foreign arbitration award, 46:1	taking of documentary evidence
Sulamerica CIA Nacional de Seguros	abroad in support of domestic
SA v. Enesa Engenharia SA-	action, 29:59
Enesa, anti-suit injunction, 46:2	taking of documentary evidence
Challenges to jurisdiction, 29:8	domestically in support of
Choice of law	foreign action, 29:53
choice of law clauses, 29:12	taking of witness evidence abroad in
foreign substantive law, bases for application, 29:11	support of domestic action, 29:46
party autonomy, 29:12, 29:14	taking of witness evidence domesti-
relevance to later efforts to recognize	cally in support of foreign
and enforce, 29:13	proceedings, 29:41
statutory and other bases for applica-	Costs and fees
tion of foreign substantive law,	generally, 29:95
29:11	attorney fees, 29:93
Civil and commercial judgments. Rec-	contingent fees, 29:98
ognition and enforcement of	court costs, 29:96
foreign civil and commercial judg-	fee schetules, 29:98
ments, below	interest on a claim, 29:97
Civil division of court of appeal, appeal to, 29:71	security for costs, 29:95
Commencement of suit	Court costs, 29:96
	Court structure
generally, 29:26	adjudication, time horizon and
contents of pleadings, 29:29	influencing factors, 29:4 general structure, 29:3
formal requirements, 29:29	tribunals and other judicial bodies,
pleadings, 29:27, 29:29	29:5
service of writ, 29:27	Currency conversion, damages recovery,
strategic considerations, 29:28	29:78
Common law, 29:82	Damages
Compromise of proceedings. Settlement	generally, 29:73
and compromise of proceedings,	acceptable kinds of damages recovery
below	in contract, 29:73
Conclusiveness and finality of judgments, generally, 29:69	currency conversion, 29:78
Contents of pleadings, 29:29	lost profits damages, specific issues,
Contingent fees, 29:98	29:74
Contract, acceptable kinds of damages	non-contractual bases, damages
recovery in, 29:73	recovery in, 29:75
Conventions	product liability, damages recovery
recognition and enforcement of	in, 29:75 public policy constraints, 29:77
foreign civil-commercial judg-	standards of burden of proof for
ments, European conventions,	recovery, 29:76
29:80	tort action, damages recovery in,
service of process abroad to com-	29:75
mence domestic action, 29:21	Discovery
service of process domestically to	taking of documentary evidence
commence foreign action, 29:15	domestically in support of

UNITED KINGDOM—Cont'd

Discovery—Cont'd

foreign action, 29:52

taking of witness evidence domestically in support of foreign action, 29:40

District judge decision, appeals against, 29:70

Documentary evidence

admissibility and presentation at trial of evidence taken domestically or abroad, **29:66**

taking of documentary evidence abroad in support of domestic action, below

taking of documentary evidence domestically in support of foreign action, below

Emergency relief measures. Interim and conservatory relief, injunctions and similar emergency measures, below

Enforcement of judgments against foreign sovereigns, 29:92, 29:94

Enforcement of jurisdiction, **29:9** Evidence

damages recovery, standards of burden of proof, **29:76**

taking of documentary evidence abroad in support of domestic action, below

taking of documentary evidence domestically in support of foreign action, below

taking of evidence against foreign sovereign entities, 29:90

taking of witness evidence abroad in support of domestic action, below

taking of witness evidence domestically in support of foreign action, below

Expert evidence

taking of documentary evidence domestically in support of foreign action, 29:57

taking of witness evidence abroad in support of domestic action, 29:50

Fees. Costs and fees, above Fee schedules, **29:98**

UNITED KINGDOM—Cont'd

Foreign Judgments (Reciprocal Enforcement) Act of 1933, App 29B

Forum non conveniens and equivalent notions, **29:8**

Hague Conventions, 33:11

House of Lords, appeal to, 29:72

Immunities and privileges

sovereign immunity, below

taking of documentary evidence abroad in support of domestic action, 29:63

taking of documentary evidence domestically in support of foreign action, 29:58

taking of witness evidence abroad in support of domestic action, 29:51

taking of witness evidence domestically in support of foreign proceedings, 29:44

Index of Cases, App 29C

Injunctions. Interim and conservatory relief, injunctions and similar emergency measures, below

Interest on a claim, 29:97

Interim and conservatory relief, injunctions and similar emergency measures

foreign sovereigns, injunction against, 29:91

general principles, 29:34

parallel proceedings, possible strategies, 29:39

petitions abroad, in connection with domestic proceedings, 29:36

petitions domestically, in support of foreign proceedings, 29:37

property as security device, 29:38

recognition of foreign judgment against United Kingdom, 29:93

specific injunctions, 29:35

strategies in event of parallel proceedings, 29:39

Judicial Assistance in The United Kingdom, 33:11

Local procedural requirements at place of action

service of process abroad to commence domestic action, 29:24

UNITED KINGDOM—Cont'd UNITED KINGDOM—Cont'd Local procedural requirements at place Parallel proceedings, obtaining jurisdiction and choice of forum, 29:10 of action—Cont'd service of process domestically to Party autonomy, choice of law, 29:12, commence foreign action, 29:17 29:14 Personal jurisdiction, 29:6 Lost profits damages, specific issues, 29:74 Petitions abroad, in connection with domestic proceedings, interim and Master judge decision, appeals against, conservatory relief, 29:36 29:70 Petitions domestically, in support of Non-contractual bases, damages foreign proceedings, interim and recovery in, 29:75 conservatory relief, 29:37 Obtaining jurisdiction and choice of Pleadings, 29:27, 29:29 forum Practical problems generally, 29:6 recognition and enforcement of ab initio objection to jurisdiction, foreign civil-commercial judg-29:9 ments, 29:84 challenges to jurisdiction, 29:8 service of process abroad to comenforcement of jurisdiction, 29:9 mence domestic action, 29:23 forum non conveniens and equivalent service of process domestically to notions, 29:8 commence foreign action, 29:18 parallel proceedings, 29:10 summary judgments and equivalent personal jurisdiction, basis for accepproceedings, 29:32 tance, 29:6 taking of documentary evidence property as jurisdictional basis, 29:7 abroad in support of domestic relevance to later efforts to recognize action, 29:61 and enforce, 29:9 taking of documentary evidence statutory and other bases, 29:6 domestically in support of subject matter jurisdiction, basis for foreign action, 29:55 acceptance, 29:6 taking of witness evidence abroad in support of domestic action, Oral evidence, admissibility and presen-29:48 tation at trial of evidence taken taking of witness evidence domestidomestically or abroad, 29:65 cally in support of foreign Other means and absence of conventions proceedings, 29:43 service of process abroad to com-Pre-judgment attachment, sovereign mence domestic action, 29:22 immunity, **29:91** service of process domestically to Privileges. Immunities and privileges, commence foreign action, 29:16 above taking of documentary evidence Procedural requirements, summary judgabroad in support of domestic ments and equivalent proceedings, action, 29:60 29:31 taking of documentary evidence **Property** domestically in support of jurisdictional basis, 29:7 foreign action, 29:54 security device, 29:38 taking of witness evidence abroad in Public policy, damages, 29:77 support of domestic action, Recognition and enforcement of foreign 29:47 civil-commercial judgments taking of witness evidence domestigenerally, 29:79 cally in support of foreign

proceedings, 29:42

common law, 29:82

UNITED KINGDOM—Cont'd UNITED KINGDOM—Cont'd Recognition and enforcement of foreign Service of process abroad to commence civil-commercial judgments domestic action-Cont'd leave to serve out, 29:22 —Cont'd European conventions, 29:80 local procedural requirements at place methods of enforcement, 29:83 of action, 29:24 other treaties, 29:81 other means and absence of convenpractical problems, 29:84 tions, 29:22 practical problems, 29:23 time factors, 29:84 Recognition and enforcement of judgrelevance to later efforts to recognize and enforce, 29:25 ments against foreign sovereigns, 29:92, 29:94 time factors, 29:23 Recognition of foreign judgment against Service of process domestically to com-United Kingdom, 29:93 mence foreign action Relevance to later efforts to recognize generally, 29:15 and enforce conventions, 29:15 choice of law, 29:13 local procedural requirements at place obtaining jurisdiction and choice of of action, 29:17 forum, 29:9 other means in absence of convention, service of process abroad to com-29.16 mence domestic action, 29:25 practical problems, 29:18 service or process domestically to relevance to later efforts to recognize commence foreign action, 29:19 and enforce, 29:19 summary judgments and equivalent time factors, 29:18 proceedings, 29:33 Service of process on foreign taking of documentary evidence sovereigns, 29:89 abroad in support of domestic Settlement and compromise of proceedaction, place of judgment, 29:62 ings taking of documentary evidence generally, 29:85 domestically in support of formalities, 29:86 foreign action, place of evidence, kinds of settlement and compromise, 29:56 29:87 taking of witness evidence abroad in litigation, effect on, 29:87 support of domestic action, requirements, 29:86 29:49 Sovereign immunity Secrecy laws generally, 29:88 taking of documentary evidence domestically in support of enforcement of judgments against foreign action, 29:52 foreign sovereigns, 29:92, 29:94 taking of witness evidence domestiinjunctive measures against foreign cally in support of foreign action, sovereigns, 29:91 29:40 pre-judgment attachment, 29:91 Security recognition and enforcement of judgcosts, security for, 29:95 ments against foreign sovereigns, property as security device, 29:38 29:92, 29:94 Service of process abroad to commence service of process on foreign domestic action sovereigns, 29:89 generally, 29:20 taking of evidence against foreign sovereign entities, 29:90

conventions, 29:21

UNITED KINGDOM—Cont'd	UNITED KINGDOM—Cont'd
Sovereign immunity—Cont'd	Taking of documentary evidence abroad
within United Kingdom, immunity, 29:88	in support of domestic action —Cont'd
Standards of burden of proof for damages recovery, 29:76	relevance to later efforts to recognize and enforce at place of judgment,
Statutory and other bases	29:62
choice of law, 29:11	time factors, 29:61
obtaining jurisdiction and choice of forum, 29:6	Taking of documentary evidence domestically in support of foreign action
Strategic considerations	generally, 29:52
commencement of suit, 29:28	admissibility and presentation at trial
parallel proceedings, 29:39	of evidence taken domestically
summary judgments and equivalent proceedings, 29:32	or abroad, above
Structure of courts. Court structure,	attorney-client privilege, 29:58
above	attorney work product privilege, 29:58
Subject matter jurisdiction, 29:6	blocking statutes, 29:52
Substantive and practical overview of	conventions, 29:53
key distinguishing issues in United	discovery, 29:52
Kingdom	expert evidence, 29:57
Lord Woolf's report "access to	ther means and absence of conven-
justice," 29:2	tions, 29:54
meaning of English law, 29:1	practical problems, 29:55
reform, 29:2	privileges, 29:58
Substantive issues, choice of law, 29:11	relevance to later efforts to recognize
Summary judgments and equivalent proceedings	and enforce at place of evidence, 29:56
generally, 29:30	secrecy laws, 29:52
practical problems, 29:32	time factors, 29:55
procedural requirements, 29:31	time of discovery, 29:52
relevance to later efforts to recognize and enforcement, 29:33	Taking of witness evidence abroad in
strategic considerations, 29:32	support of domestic action
Taking of documentary evidence abroad	generally, 29:45
in support of domestic action	admissibility and presentation at trial of evidence taken domestically
generally, 29:59	or abroad, above
admissibility and presentation at trial	attorney-client privilege, 29:51
of evidence taken domestically	attorney work product privilege,
or abroad, above	29:51
attorney-client privilege, 29:63	conventions, 29:46
attorney work product privilege,	expert evidence, special issues, 29:50
29:63	other means in absence of conven-
conventions, 29:59	tions, 29:47
other means and absence of conventions, 29:60	practical problems, 29:48
practical problems, 29:61	relevance to later efforts to recognize and enforce at place of judgment,
privileges, 29:63	29:49
P111110500, #7.00	M2+12

UNITED KINGDOM—Cont'd

Taking of witness evidence domestically in support of foreign proceedings generally, **29:40**

admissibility and presentation at trial of evidence taken domestically or abroad, above

attorney-client privilege, **29:44** attorney work product privilege, **29:44**

blocking statutes, 29:40 conventions, 29:41

discovery, when and from whom, 29:40

other means and absence of conventions, **29:42**

practical problems, 29:43

privileges, 29:44

secrecy laws, 29:40

time factors, 29:43

Time factors

adjudication, time horizon and influencing factors, 29:4

recognition and enforcement of foreign civil-commercial judgments, 29:84

service of process abroad to commence domestic action, 29:23

service of process domestically to commence foreign action, 29:18

taking of documentary evidence abroad in support of domestic action, 29.61

taking of documentary evidence domestically in support of foreign action, **29:52**, **29:55**

taking of witness evidence domestically in support of foreign action, 29:40, 29:43

Tort actions

damages recovery in, 29:75

Tribunals and other judicial bodies, **29:5** Witness evidence

taking of witness evidence abroad in support of domestic action, above

taking of witness evidence domestically in support of foreign action, above

UNITED NATIONS CONVENTIONS

Generally, 34:1 to 34:8

Contracting states to the UN Convention, **34:1**

Convention on Consular Relations, **34:6** Convention on Contracts for the International Sale of Goods, **34:2**

Convention on Diplomatic Relations, 34:5

Convention on Jurisdictional Immunities of States and Their Property, 2004, 34:8

Convention on the Privileges and Immunities of United Nations, **34:3**

Convention on the Recognition and Enforcement of Foreign Arbitral Awards, **34:4**

European Convention on International Commercial Arbitration, 34:7

State immurity: United Nations Convention and its effect, 1:7

UNITED STATES OF AMERICA

Generally, 30:1 to 30:100, 39:1 to 39:18

Ab initio objection to jurisdiction, **30:9**Admissibility and presentation at trial of evidence taken domestically or abroad

documentary evidence, 30:63

exclusions, 30:64

general requirements and practices, 30:60

rulings on evidence at trial, 30:61 witness testimony, 30:62

Alien's Action for Tort, 39:11

American Arbitration Association

AAA International Dispute Resolution Procedures (including Mediation and Arbitration Rules), 41:2

AAA Rules and Procedures with Supplementary Procedures for International Commercial Arbitration, 41:1

Answer or statement of defense, **30:29**Appeal and review of transnational judgments
generally, **30:65**

Appeal and review of transnational judgments—Cont'd conclusiveness and finality of judgments, generally, 30:66 practical problems, 30:69 procedural issues, 30:67 strategic considerations, 30:70 substantive issues, 30:68 time factors, 30:69

Arbitration

generally, 30:96, 30:97 arbitrators, 30:99 awards, 30:97

Federal Arbitration Act, 30:97, 30:98 institutions, 30:100

New York Convention, 30:98

Arbitration rules

American Arbitration Association, above

U.S. Department of Commerce International Arbitration Guide, 41:28

Attachment

post-judgment attachment, sovereign immunity, 30:89

pre-judgment attachment, sovereign immunity, **30:88**

Attorney-client privilege

taking of documentary evidence abroad in support of domestic action, 30:59

taking of witness evidence abroad in support of domestic action, 30:53

taking of witness evidence domestically in support of foreign proceedings, 30:48

Attorney fees, 30:95

Attorney work product privilege

taking of documentary evidence abroad in support of domestic action, 30:59

taking of witness evidence abroad in support of domestic action, 30:53

taking of witness evidence domestically in support of foreign

UNITED STATES OF AMERICA —Cont'd

Attorney work product privilege
—Cont'd
proceedings, 30:48
Audience rights, 30:4
California Civil Procedure Code

§ 410.10 [long arm statute] (2007), 39:13

Case law

Arista Records, Inc., et al v. Sakfield Holding Company S.L., et al, conducting business via Internet, 44:5

Chevron v. Naranjo, enforcement of foreign money judgment, **44:16** conducting business via Internet, **44:5**, **44** 6

enforcement of foreign money judgments, Chevron v. Naranjo, 44:16

forma non conveniens, 44:10, 44:11 Harry Edelson v. Raymond K.F. Ch'ien, et al, passive websites, 44:8

injunction against enforcement of foreign judgment vacated, Chevron v. Naranjo, **44:16**

interactive websites, Morris Material Handling, Inc., et al v. KCI Konecranes PLC, et al, **44:7**

International Organization Immunities Act, **44:3**, **44:4**

Internet jurisdiction, 44:5 to 44:8

In the Matter of the Arbitration
Between: Monegasque De Reassurances S.A.M. (Monde Re),
Petitioner-Appellant, v. NAK
Naftogaz of Ukraine and State of
Ukraine, Respondents-Appellees, forum non conveniens,
44:10

Janet E. Atkinson, Appellant v. The Inter-American Development Bank, et at, Appellees, **44:3**

Morris Material Handling, Inc., et al v. KCI Konecranes PLC, et al, interactive websites, **44:7**

Morrison et al. v. National Australia Bank Ltd. et al, below

Case law—Cont'd

OSS Nokalva, Inc. v. European Space Agency, Appellant; OSS Nokalva, Inc. Appellant v. European Space Agency, **44:4**

passive websites, Harry Edelson v. Raymond K.F. Ch'ien, et al, 44:8

Sinochem International Co., Ltd., Petitioner v. Malaysia International Shipping Corporation, forum non conveniens, 44:11

Termorio S.A. E.S.P. and Leaseco Group, LLC, Appellants v. Electranta S.P., et al, Appellees, 44:1

22 U.S.C. § 288. Societe Nationale v. District Court. 44:9

28 U.S.C. § 1782(A), Intel Corporation, Petitioner v. Advanced Micro Devices, Inc., 44:2

VIZ Communications, Inc. v. REDSUN, et al, conducting business via Internet, **44:6**

Case law, Termorio S.A. E.S.P. and Leaseco Group, LLC, Appellants v. Electranta S.P., et al, Apoellees, 44:1

Challenges to jurisdiction 30:8

Choice of law

choice of law clauses, 30:13

foreign substantive law, bases for application, 30:12

party autonomy, 30:13

relevance to later efforts to recognize and enforce, 30:14

statutory and other bases for application of foreign substantive law, 30:12

Civil and commercial judgments. Recognition and enforcement of foreign civil and commercial judgments, below

Commencement of suit

generally, 30:28

answer or statement of defense, 30:29

UNITED STATES OF AMERICA —Cont'd

Commencement of suit—Cont'd complaint or statement of claim, 30:28

contents of pleadings, 30:29

formal requirements, 30:29

form of answer or statement of defense, 30:29

form of complaint or statement of claim, 30:28

preliminary motions, 30:30

statement of defense, 30:29

strategic consideration, complaint or statement of claim, 30:28

strategic considerations for answer or statement of defense, 30:29

substance and content of answer or statement of defence, 30:29

substance and content of complaint or statement of claim, 30:28

Complaint or statement of claim, 30:28

Compromise of proceedings. Settlement and compromise of proceedings, below

Conclusiveness and finality of judgments, generally, **30:66**

Constitutional notice requirements, service of process abroad to commence domestic action, **30:24**

Content

answer or statement of defense, 30:29 complaint or statement of claim, 30:28

Contract, acceptable kinds of damages recovery in, **30:71**

Conventions

recognition and enforcement of foreign civil-commercial judgments, European conventions, **30:77**

service of process abroad to commence domestic action, **30:22**

service of process domestically to commence foreign action, 30:16

taking of documentary evidence abroad in support of domestic action, 30:55

UNITED STATES OF AMERICA —Cont'd	UNITED STATES OF AMERICA —Cont'd
	Documentary evidence—Cont'd
Conventions—Cont'd	
taking of witness evidence abroad in	taking of documentary evidence
support of domestic action,	abroad in support of domestic
30:49	action, below
taking of witness evidence domesti-	taking of documentary evidence
cally in support of foreign	domestically in support of
proceedings, 30:43	foreign action, below
Costs and fees	Emergency relief measures. Interim and
generally, 30:91	conservatory relief, injunctions and
attorney fees, 30:95	similar emergency measures, below
court costs, 30:93	Enforcement of judgments against
interest, 30:94	foreign sovereigns, 30:89 , 30:90
security for costs, 30:92	Enforcement of jurisdiction, 30:9
Court costs, 30:93	Evidence
Court structure	damages recovery, standards of
generally, 30:2	burden of proof, 30:74
adjudication, time horizon and	taking of documentary evidence
influencing factors, 30:5	abroad in support of domestic
audience rights, 30:4	action, below
federal courts, 30:3	taking of documentary evidence
Currency conversion, damages recovery,	domestically in support of
30:76	foreign action, below
Damages	taking of evidence against foreign
generally, 30:71	sovereign entities, 30:87
acceptable kinds of damages recovery	taking of witness evidence abroad in
in contract, 30:71	support of domestic action,
currency conversion, 30:76	below
lost profits damages, specific issues,	taking of witness evidence domesti-
30:72	cally in support of foreign action,
non-contractual bases, damages	below
recovery in, 30:73	Examples of letters rogatory, 39:9
product liability, damages recovery in, 30:73	Exclusions, admissibility and presenta-
	tion at trial of evidence taken
public policy constraints, 30:75 standards of burden of proof for	domestically or abroad, 30:65
recovery, 30:74	Expert evidence
tort action, damages recovery in,	taking of witness evidence domesti-
30:73	cally in support of foreign action,
Default judgments	30:47
service of process abroad to com-	taking of witness evidence domesti-
mence domestic action, 30:27	cally in support of foreign
service of process domestically to	proceedings, 30:47
commence foreign action, 30:20	Federal Arbitration Act, 30:97, 30:98,
Definition of Letters Rogatory, 22 CFR	39:7
92.54, 39:8	Federal courts, 30:3
Documentary evidence	Fees. Costs and fees, above
admissibility and presentation at trial	Foreign Corrupt Practices Act, 39:10
of evidence taken domestically	Foreign Corrupt Practices Act, examples
or abroad, 30:63	of letters rogatory, 39:9

- Foreign cubed case. Morrison et al. v. National Australia Bank Ltd. et al, below
- Foreign Sovereign Immunities Act (Title 28 U.S. Code §§ 1602 to 1611) jurisdictional immunities of foreign states, **39:2**
 - U.S. State Department Circular re: Foreign Sovereign Immunities Act and service of process on foreign government, **39:3**

Form

answer or statement of defense, 30:29 complaint or statement of claim, 30:28

Forum non conveniens case law, 44:10, 44:11

Forum non conveniens and equivalent notions, **30:8**

Forum selection clauses, 30:7

Illinois Compiled Statutes Annotated ch 735, para 5/2-209 [long-arm statute] (2007), **39:14**

Immunities and privileges

sovereign immunity, below taking of documentary evidence abroad in support of domestic action, 30:59

taking of witness evidence abroad in support of domestic action, 30:53

taking of witness evidence domestically in support of foreign proceedings, **30:48**

Injunctions. Interim and conservatory relief, injunctions and similar emergency measures, below

Interest, 30:94

Interim and conservatory relief, injunctions and similar emergency measures

generally, 30:36

foreign sovereigns, injunction against, 30:88

parallel proceedings, possible strategies, **30:40**

petitions abroad, in connection with domestic proceedings, **30:37**

UNITED STATES OF AMERICA —Cont'd

Interim and conservatory relief, injunctions and similar emergency measures—Cont'd

petitions domestically, in support of foreign proceedings, 30:38

property as security device, 30:39 recognition of foreign judgment against United States of Amer-

strategies in event of parallel proceedings, 30:40

International arbitration. Arbitration, above

ica, 30:90

Judicial doctrines limiting exercise of U.S. jurisdiction, 30:11

Jurisdictional Immunities of Foreign States (U.S. Foreign Sovereign Immunities Act of 1976) Title 28 U.S. Code §§ 1602 to 1611, **39:2**

Limitations to exercise of U.S. jurisdiction, 30:11

coal procedural requirements, recognition and enforcement of foreign civil-commercial judgments, 30:79

Lost profits damages, specific issues, 30:72

Morrison et al. v. National Australia Bank Ltd. et al concurring opinion, 44:15 opinion of Court, 44:13 opinion of Justice Breyer, 44:14 syllabus, 44:12

New York Convention, 30:98

Non-contractual bases, damages recovery in, 30:73

Notice requirements, service of process abroad to commence domestic action, 30:24

NY Civil Practice Law and Rules: § 302 [long-arm statute] (2007), **39:16**

NY Civil Practice Law and Rules Art 53, Recognition of Foreign Country Money Judgments, **39:15**

Obtaining jurisdiction and choice of forum

generally, 30:6

ab initio objection to jurisdiction, 30:9

Obtaining jurisdiction and choice of forum—Cont'd challenges to jurisdiction, 30:8 enforcement of jurisdiction, 30:9 forum non conveniens and equivalent notions, 30:8

forum selection clauses, **30:7** judicial doctrines limiting exercise of U.S. jurisdiction, **30:11**

limitations to exercise of U.S. jurisdiction, 30:11

parallel proceedings, 30:10

party autonomy, 30:7

personal jurisdiction, basis for acceptance, 30:6

relevance to later efforts to recognize and enforce, 30:9

statutory and other bases, **30:6** subject matter jurisdiction, basis for acceptance, **30:6**

Ohio Revised Code Annotated 2307.282 [long-arm statutes] (2007), **39:17**

Other means and absence of conventions recognition and enforcement of foreign civil-commercial judg-

ments, 30:78 service of process abroad to commence domestic action, 30:23

service of process domestically to commence foreign action, 30:17

taking of documentary evidence abroad in support of domestic action, 30:56

taking of witness evidence abroad in support of domestic action, 30:50

taking of witness evidence domestically in support of foreign proceedings, **30:44**

Overview of key distinguishing issues in United States of America, 30:1

Parallel proceedings, obtaining jurisdiction and choice of forum, 30:10

Party autonomy

choice of law, 30:13

obtaining jurisdiction and choice of forum, **30:7**

UNITED STATES OF AMERICA —Cont'd

Personal jurisdiction

obtaining jurisdiction and choice of forum, **30:6**

sovereign immunity, 30:85

Petitions abroad, in connection with domestic proceedings, interim and conservatory relief, 30:37

Petitions domestically, in support of foreign proceedings, interim and conservatory relief, 30:38

Post-judgment attachment, sovereign immunity, **30:89**

Practical problems

appeal and review of transnational judgments, 30:69

service of process abroad to commence domestic action, 30:25

service of process domestically to commence foreign action, 30:18

taking of documentary evidence abroad in support of domestic action, 30:57

taking of witness evidence abroad in support of domestic action, 30:51

taking of witness evidence domestically in support of foreign proceedings, 30:45

Pre-judgment attachment, sovereign immunity, **30:88**

Preliminary motions, commencement of suit, 30:30

Preparation of Letters Rogatory, U.S. State Department, **39:8**

Privileges. Immunities and privileges, above

Privileges and Immunities of International Organizations (22 USC 288), **39:12**

Procedural requirements, summary judgments and equivalent proceedings, 30:32

Property as security device, **30:39** Public policy

damages, 30:75

recognition and enforcement of foreign civil-commercial judgments, 30:80

UNITED STATES OF AMERICA UNITED STATES OF AMERICA —Cont'd -Cont'd Recognition and enforcement of foreign Service of process abroad to commence civil-commercial judgments domestic action—Cont'd generally, 30:77 time factors, 30:25 Service of process domestically to comapplicable conventions, 30:77 conventions, 30:77 mence foreign action generally, 30:16 local procedural requirements, 30:79 bilateral treaties, 30:17 other means in absence of convention, 30:78 conventions, 30:16 public policy issues, 30:80 default judgments, 30:20 Recognition and enforcement of judgother means in absence of convention, ments against foreign sovereigns, 30:17 30:89, 30:90 practical problems, 30:18 Recognition of foreign judgment against relevance to later efforts to recognize United States of America, 30:90 and enforce, 30:19 Relevance to later efforts to recognize time factors, 30:18 and enforce Service of process on foreign choice of law, 30:14 sovereigns, 30:86 obtaining jurisdiction and choice of Settlement and compromise of proceedforum, 30:9 ings generally, 30:81 service of process abroad to commence domestic action, 30:26 formalities, 30:82 service or process domestically to kinds of settlement and compromise, commence foreign action, 30:19 30:81 taking of documentary evidence litigation, effect on, 30:83 abroad in support of domestic requirements, 30:82 action, place of judgment, 30:58 Sovereign immunity taking of witness evidence abroad in generally, 30:84 support of domestic action, aids in enforcement against foreign 30:52 sovereigns, 30:89 taking of witness evidence domestienforcement of judgments against cally in support of foreign foreign sovereigns, 30:89, 30:90 proceedings 30:46 injunctive measures against foreign Security sovereigns, 30:88 costs, security for, 30:92 personal jurisdiction, 30:85 property as security device, 30:39 post-judgment attachment, 30:89 Service of process abroad to commence pre-judgment attachment, 30:88 domestic action recognition and enforcement of judggenerally, 30:21 ments against foreign sovereigns, constitutional notice requirements, 30:89, 30:90 30:24 service of process on foreign conventions, 30:22 sovereigns, 30:86 default judgment, 30:27 subject matter jurisdiction, 30:85 other means and absence of conventaking of evidence against foreign tions, 30:23 sovereign entities, 30:87 practical problems, 30:25 Standards of burden of proof for damages recovery, 30:74 relevance to later efforts to recognize and enforce, 30:26 Statement of claim, 30:28

UNITED STATES OF AMERICA	UNITED STATES OF AMERICA
Cont'd	—Cont'd
Statutes, generally, 39:1 to 39:18	Taking of documentary evidence abroad
Statutory and other bases	in support of domestic action
choice of law, 30:12	—Cont'd
obtaining jurisdiction and choice of forum, 30:6	other means and absence of conventions, 30:56
Strategic considerations	practical problems, 30:57
answer or statement of defense, 30:29	privileges, 30:59
appeal and review of transnational judgments, 30:70	relevance to later efforts to recognize and enforce at place of judgment.
commencement of suit, 30:28	30:58
complaint or statement of claim,	time factors, 30:57
30:28	Taking of documentary evidence
parallel proceedings, 30:40	domestically in support of foreign
summary judgments and equivalent	action, 30:54
proceedings, 30:35	admissibility and presentation at trial
Structure of courts. Court structure,	of evidence taken domestically
above	or abroad, above
Subject matter jurisdiction	Taking of vulness evidence abroad in
obtaining jurisdiction and choice of	support of domestic action
forum, 30:6	generally, 30:49
sovereign immunity, 30:85	admissibility and presentation at trial
Substance and content	of evidence taken domestically
answer or statement of defense, 30:29	or abroad, above
complaint or statement of claim,	attorney-client privilege, 30:53
30:28	attorney work product privilege,
Substantive issues, choice of law, 30:12	30:53
Summary judgments and equivalent	conventions, 30:49
proceedings	other means in absence of conven-
generally, 30:31	tions, 30:50
procedural requirements, 30:32	practical problems, 30:51
strategic considerations, 30:35	relevance to later efforts to recognize
substantive requirements, 30:33	and enforce at place of judgment,
tactical problems, 30:34	30:52
time factors, 30:34	Taking of witness evidence domestically
Table of Cases, App 30A	in support of foreign action
Tactical problems, summary judgments	generally, 30:41
and equivalent proceedings, 30:34	admissibility and presentation at trial
Taking of documentary evidence abroad	of evidence taken domestically
in support of domestic action	or abroad, above
generally, 30:55	attorney-client privilege, 30:48
admissibility and presentation at trial of evidence taken domestically	attorney work product privilege, 30:48
or abroad, above	conventions, 30:43
attorney-client privilege, 30:59	discovery, when and from whom,
attorney work product privilege,	30:42
30:59	expert evidence, 30:47
conventions, 30:55	expert evidence, special issues, 30:47

Taking of witness evidence domestically in support of foreign action

—Cont'd

other means and absence of conventions, 30:44

practical problems, 30:45

privileges, 30:48

relevance to later efforts to recognize and enforce at place of service, 30:46

time factors, 30:45

Termorio S.A. E.S.P. and Leaseco Group, LLC, Appellants v. Electranta S.P., et al, Appellees, 44:1

Texas Civil Practice and Remedies Code § 17.042 [long-arm statute in suit on business transaction or tort] (2007), 39:18

Time factors

adjudication, time horizon and influencing factors, **30:5**

appeal and review of transnational judgments, 30:69

service of process abroad to commence domestic action, 30:25

service of process domestically to commence foreign action, 30:18

summary judgments and equivalent proceedings, 30:34

taking of documentary evidence abroad in support of domestic action, 30:57

taking of witness evidence domestically in support of foreign action, 30:42, 30:45

Title 28 of US Code, Judiciary and Judicial Procedure, **39:6**

Title 28 of US Code §§ 1602 to 1611 (Foreign Sovereign Immunities Act), 39:2

Tort actions, damages recovery in, 30:73

22 USC 288, Privileges and Immunities of International Organizations, **39:11**

28 U.S.C. § 1782(A), Intel Corporation, Petitioner v. Advanced Micro

UNITED STATES OF AMERICA —Cont'd

Devices, Inc., 44:2

Uniform Foreign Money-Judgments Recognition Act (13 Uniform Laws Annotated 263 (1962)), **39:1**

U.S. Federal Rules of Civil Procedure, Rule 4, **39:4**

U.S. Federal Rules of Civil Procedure, Rule 26, **39:5**

U.S. State Department Circular re: Foreign Sovereign Immunities Act and service of process on foreign government, 39:3

Witness evidence

admissibility and presentation at trial of evidence alten domestically or abroad, 39:62

taking of witness evidence abroad in support of domestic action, above

taking of witness evidence domestically in support of foreign action, above

URUGUAY

Generally, 31:1 to 31:86

Ab initio objection to jurisdiction, **31:6**Admissibility and presentation at trial of evidence taken domestically or abroad

general requirements and practices, 31:54

means of evidence expressly regulated, **31:55**

regulation of means of evidence, 31:55

Answer or statement of defense, 31:20

Appeal and review of transnational judgments

generally, 31:56

conclusiveness and finality of judgments, generally, **31:56**

practical problems, 31:59

procedural issues, 31:57

substantive issues, 31:58

time factors, 31:59

Arbitration

generally, 31:82

conventions, 31:83

URUGUAY—Cont'd	URUGUAY—Cont'd
Arbitration—Cont'd	Civil and commercial judgments. Rec-
institutions, 31:86	ognition and enforcement of
local provisions, 31:84	foreign civil and commercial judg-
qualifications of arbitrators, 31:85	ments, below
Attachment	Commencement of suit
post-judgment attachment, sovereign	generally, 31:19
immunity, 31:75	answer or statement of defense, 31:20
pre-judgment attachment, sovereign immunity, 31:75	complaint or statement of claim, 31:19
Attorney-client privilege	ordinary proceedings, stages, 31:21
taking of documentary evidence	stages of ordinary proceedings, 31:21
abroad in support of domestic	statement of claim, 31:19
action, 31:53	statement of defense, 31:20
taking of documentary evidence	Complaint or statement of claim, 31:19
domestically in support of	Compromise and settlement of proceedings, 31:72
foreign action, 31:48	Conclusiveness and finality of judg-
taking of witness evidence abroad in support of domestic action,	ments, generally, 31:56
31:42	Contract, acceptable kinds of damages
taking of witness evidence domesti-	recovery in, 31:60
cally in support of foreign	Conventions
proceedings, 31:35	arbitration, 31:83
Attorney fees, 31:81	recognition and enforcement of
Attorney work product privilege	foreign civil-commercial judg-
taking of documentary evidence abroad in support of domestic	ments, European conventions, 31:67
action, 31:53	service of process abroad to com-
taking of documentary evidence	mence domestic action, 31:15
domestically in support of	service of process domestically to
foreign action, 31.48	commence foreign action, 31:11
taking of witness evidence abroad in support of domestic action, 31:42	taking of documentary evidence abroad in support of domestic action, 31:49
taking of witness evidence domesti-	taking of documentary evidence
cally in support of foreign proceedings, 31:35	domestically in support of foreign action, 31:44
Challenges to jurisdiction, 31:5	taking of witness evidence abroad in
Choice-of-forum clauses, 31:4	support of domestic action,
Choice of law	31:37
choice of law clauses, 31:9	taking of witness evidence domesti-
foreign substantive law, bases for application, 31:8	cally in support of foreign proceedings, 31:30
party autonomy, 31:9	Costs and fees
relevance to later efforts to recognize	generally, 31:78
and enforce, 31:10	attorney fees, 31:81
statutory and other bases for applica-	court costs, 31:79
tion of foreign substantive law,	interest, 31:80
31:8	monetary adjustment, 31:80

URUGUAY—Cont'd	URUGUAY—Cont'd
Costs and fees—Cont'd	Evidence—Cont'd
security for costs, 31:78	taking of documentary evidence
Court costs, 31:79	domestically in support of
Court structure, 31:2	foreign action, below
Currency conversion, damages recovery,	taking of evidence against foreign
31:65	sovereign entities, 31:74
Damages	taking of witness evidence abroad in
generally, 31:60	support of domestic action,
acceptable kinds of damages recovery	below
in contract, 31:60	taking of witness evidence domesti-
currency conversion, 31:65	cally in support of foreign action
lost profits damages, specific issues,	below
31:61	Expert evidence
moral damages, 31:66	taking of witness evidence abroad in
non-contractual bases, damages	support of domestic action,
recovery in, 31:62	31:41
product liability, damages recovery	taking of witness evidence domesti-
in, 31:62	cally in support of foreign action 31:34
public policy constraints, 31:64	Fees. Cost, and fees, above
standards of burden of proof for	Forum non conveniens and equivalent
recovery, 31:63	notions, 31:5
tort action, damages recovery in,	Inniunities and privileges
31:62	sovereign immunity, below
Discovery	taking of documentary evidence
taking of documentary evidence	abroad in support of domestic
domestically in support of	action, 31:53
foreign action, 31:43	taking of documentary evidence
taking of witness evidence domesti-	domestically in support of
cally in support of foreign action, 31:29	foreign action, 31:48
•	taking of witness evidence abroad in
Documentary evidence taking of documentary evidence	support of domestic action,
abroad in support of domestic	31:42
action, below	taking of witness evidence domesti-
taking of documentary evidence	cally in support of foreign
domestically in support of	proceedings, 31:35
foreign action, below	Injunctions. Interim and conservatory
Emergency relief measures. Interim and	relief, injunctions and similar emer
conservatory relief, injunctions and	gency measures, below
similar emergency measures, below	Interest, 31:80
Enforcement of judgments against	Interim and conservatory relief, injunc-
foreign sovereigns, 31:75, 31:76	tions and similar emergency
Enforcement of jurisdiction, 31:6	measures
Evidence	generally principles, 31:26
damages recovery, standards of	applicable law, 31:26
burden of proof, 31:63	common measures in internal law,
taking of documentary evidence	31:28
abroad in support of domestic	foreign sovereigns, injunction against
action, below	31:75

URUGUAY—Cont'd URUGUAY—Cont'd Interim and conservatory relief, injunc-Other means and absence of conventions tions and similar emergency —Cont'd service of process abroad to commeasures-Cont'd mence domestic action, 31:16 particularities in Uruguayan law, 31:27 service of process domestically to commence foreign action, 31:12 recognition of foreign judgment against Uruguay, 31:76 taking of documentary evidence International arbitration. Arbitration, abroad in support of domestic action, 31:50 above Labor justice, sovereign immunity, taking of documentary evidence domestically in support of 31:77 foreign action, 31:45 Local procedural requirements arbitration, 31:84 taking of witness evidence abroad in recognition and enforcement of support of domestic action, foreign civil-commercial judg-31:38 ments, 31:69 taking of witness evidence domestiservice of process abroad to comcally in support of foreign mence domestic action, 31:17 proceedings, 31:31 taking of witness evidence abroad in Parallel proceedings, obtaining jurisdicsupport of domestic action, tion and choice of forum, 31:7 31:36 Party autonomy Lost profits damages, specific issues, choice of law, 31:9 31:61 potaining jurisdiction and choice of Monetary adjustment, 31:80 forum, 31:4 Moral damages, 31:66 Personal jurisdiction, obtaining jurisdic-Non-contractual bases, damages tion and choice of forum, 31:3 recovery in, 31:62 Post-judgment attachment, sovereign Obtaining jurisdiction and choice of immunity, 31:75 forum Practical problems generally, 31:3 appeal and review of transnational ab initio objection to jurisdiction, judgments, 31:59 31:6 recognition and enforcement of challenges to jurisdiction, 31:5 foreign civil-commercial judgchoice-of-forum clauses, 31:4 ments, 31:70 enforcement of jurisdiction, 31:6 service of process abroad to comforum non conveniens and equivalent mence domestic action, 31:18 notions, 31:5 service of process domestically to parallel proceedings, 31:7 commence foreign action, 31:13 party autonomy, 31:4 summary judgments and equivalent personal jurisdiction, basis for accepproceedings, 31:25 tance, 31:3 taking of documentary evidence relevance to later efforts to recognize abroad in support of domestic and enforce, 31:6 action, 31:51 statutory and other bases, 31:3 taking of documentary evidence subject matter jurisdiction, basis for domestically in support of acceptance, 31:3 foreign action, 31:46 Other means and absence of conventions taking of witness evidence abroad in recognition and enforcement of foreign civil-commercial judgsupport of domestic action, ments, 31:68 31:39

URUGUAY—Cont'd URUGUAY—Cont'd Practical problems—Cont'd Security taking of witness evidence domesticosts, security for, 31:78 cally in support of foreign Service of process abroad to commence proceedings, 31:32 domestic action Pre-judgment attachment, sovereign generally, 31:15 immunity, 31:75 conventions, 31:15 Privileges. Immunities and privileges, local procedural requirements at place above of action, 31:17 Property, obtaining jurisdiction and other means and absence of convenchoice of forum, 31:3 tions, 31:16 Public policy practical problems, 31:18 damages, 31:64 time factors, 31:18 recognition and enforcement of Service of process domestically to comforeign civil-commercial judgmence foreign action ments, 31:71 generally, 31:11 Recognition and enforcement of foreign conventions, 31:11 civil-commercial judgments other means in absence of convention, generally, 31:67 31:12 conventions, 31:67 practical problems, 31:13 local procedural requirements, 31:69 relevance to later efforts to recognize other means in absence of convention. 31:68 and enforce, 31:14 time factors, 31:13 practical problems, 31:70 public policy issues, 31:71 Service of process on foreign time factors, 31:70 sovereigns, 31:73 Recognition and enforcement of judg-Settlement and compromise of proceedments against foreign sovereigns, ings, 31:72 31:76 Sovereign immunity Recognition of foreign judgment against generally, 31:73 Uruguay, 31:76 aids in enforcement against foreign Relevance to later efforts to recognize sovereigns, 31:75 and enforce enforcement of judgments against choice of law, 31:10 foreign sovereigns, 31:76 obtaining jurisdiction and choice of injunctive measures against foreign forum, 31:6 sovereigns, 31:75 service or process domestically to labor justice, 31:77 commence foreign action, 31:14 post-judgment attachment, 31:75 taking of documentary evidence pre-judgment attachment, 31:75 abroad in support of domestic recognition and enforcement of judgaction, place of judgment, 31:52 ments against foreign sovereigns, taking of documentary evidence 31:76 domestically in support of service of process on foreign foreign action, 31:47 sovereigns, 31:73 taking of witness evidence abroad in taking of evidence against foreign support of domestic action, sovereign entities, 31:74 31:40 Standards of burden of proof for damtaking of witness evidence domestiages recovery, 31:63 cally in support of foreign proceedings, 31:33 Statement of claim, 31:19

URUGUAY—Cont'd	URUGUAY—Cont'd
Statutory and other bases	Taking of documentary evidence
choice of law, 31:8	domestically in support of foreign
obtaining jurisdiction and choice of	action—Cont'd
forum, 31:3	attorney work product privilege,
Structure of courts. Court structure,	31:48
above	conventions, 31:44
Subject matter jurisdiction, obtaining	discovery, when and from whom,
jurisdiction and choice of forum,	31:43
31:3	other means and absence of conven-
Substantive and practical overview of	tions, 31:45
key distinguishing issues in	practical problems, 31:46
Uruguay, 31:1	privileges, 31:48
Substantive issues, choice of law, 31:8	relevance to later efforts to recognize and enforce at place of judgment,
Summary judgments and equivalent	31:47
proceedings	time factors, 31:46
generally, 31:22, 31:24	treaties, 31:44
extraordinary proceeding, 31:23 monitory structure, 31:24	Taking of witness evidence abroad in
practical problems, 31:25	support of domestic action
time factors, 31:25	generally, 31:36
Taking of documentary evidence abroad	admissibility and presentation at trial
in support of domestic action	of evidence taken domestically
generally, 31:49	or abroad, above
admissibility and presentation at trial	attorney-client privilege, 31:42
of evidence taken domestically	attorney work product privilege,
or abroad, above	conventions, 31:37
attorney-client privilege, 31:53	expert evidence, 31:41
attorney work product privilege,	local procedures, 31:36
31:53	other means in absence of conven-
conventions, 31:49	tions, 31:38
other means and absence of conven-	practical problems, 31:39
tions, 31:50	relevance to later efforts to recognize
practical problems, 31:51	and enforce at place of judgment,
privileges, 31:53	31:40
relevance to later efforts to recognize and enforce at place of judgment,	time factors, 31:39
31:52	Taking of witness evidence domestically
time factors, 31:43, 31:51	in support of foreign action
treaties, 31:49	generally, 31:29
Taking of documentary evidence	admissibility and presentation at trial of evidence taken domestically
domestically in support of foreign	or abroad, above
action	attorney-client privilege, 31:35
generally, 31:43	attorney work product privilege,
admissibility and presentation at trial	31:35
of evidence taken domestically	conventions, 31:30
or abroad, above	discovery, when and from whom,
attorney-client privilege, 31:48	31:29

URUGUAY—Cont'd URUGUAY—Cont'd Taking of witness evidence domestically Witness evidence in support of foreign action taking of witness evidence abroad in —Cont'd support of domestic action, expert evidence, 31:34 above other means and absence of conventaking of witness evidence domestitions, 31:31 cally in support of foreign action, above practical problems, 31:32 privileges, 31:35 VIETNAM relevance to later efforts to recognize Generally, 32:1 to 32:46 and enforce at place of service, Appeals courts, 32:6, 32:9 31:33 time factors, 31:32 Arbitration of transnational disputes appeal, 32:44 treaties, 31:30 appeal to provincial peoples court, Time factors 32:36 appeal and review of transnational judgments, 31:59 application for cancellation of arbitral award in court, 32:35 recognition and enforcement of foreign civil-commercial judgarbitration agreement, 32:25 to 32:27 ments, 31:70 arbitration clause, relationship to service of process abroad to comcontract, 32:28 mence domestic action, 31:18 cancellation of award, 32:34 to 32:36 service of process domestically to cancellation of decision, 32:45 commence foreign action, 31:13 court meeting, 32:41 summary judgments and equivalent definition of arbitration agreement, proceedings, 31:25 32:25 taking of documentary evidence demand to cancel arbitral award. abroad in support of domestic appeal to provincial peoples action, 31:51 court, 32:36 taking of documentary evidence domestic legal system, recognition by, domestically in support of 32:23 foreign action, 31:43, 31:46 enforcement of award, 32:37 taking of witness evidence abroad in support of comestic action, forms of arbitration agreement, 32:26 31:39 forms of dispute settlement by arbitrataking of witness evidence domestition, 32:30 cally in support of foreign action, historical perspective, 32:22 31:29, 31:32 international agreements with foreign Tort actions, damages recovery in, countries, recognition by, 32:23 31:62 invalid arbitration agreement, 32:27 Treaties local laws, recognition by, 32:24 taking of documentary evidence overview of Vietnamese arbitration abroad in support of domestic history, 32:22 action, 31:49 petition for recognition and enforcetaking of documentary evidence ment of foreign arbitration award domestically in support of in Vietnam. 32:38 to 32:45 foreign action, 31:44 preparation for consideration of petitaking of witness evidence domestition, 32:40 cally in support of foreign principles, 32:29

proceedings, 31:30

VIETNAM—Cont'd	VIETNAM—Cont'd
Arbitration of transnational disputes	Court settlement of transnational
—Cont'd	disputes—Cont'd
principles for application of language	execution of decision for injunctive
and place to settle disputes,	relief, 32:17
32:32	first instance court, 32:5
principles for application of laws to	gathering evidence, 32:13
settle disputes, 32:31	grant of injunction, 32:16
proceedings, 32:29 to 32:33	injunctions, 32:14 to 32:17
protest, 32:44	injunctive relief during litigation,
recognition and enforcement of	32:15
foreign arbitration award in	international judicial assistance, 32:18
Vietnam, 32:38 to 32:45	to 32:21
recognition by international agree-	issuance of documents by foreign
ments with foreign countries,	competent agencies, recognition,
32:23	32:21
rejection of foreign arbitration award,	judicial review procedure, 32:7
32:42	judicial review proceedings, 32:10
sending court decision, 32:43	modification of injunction, 32:16,
steps of arbitral proceedings, 32:33	32.17
transmission of documents to court,	outline of burden of proof, 32:11
32:39	outline of injunction, 32:14
Burden of proof	performance of international judicial
admissibility of evidence, 32:12	authorization, 32:19
disclosure of evidence, 32:13	preparation of documents by foreign
evaluation of evidence, 32:13	competent agencies, recognition,
gathering evidence, 32:13	32:21
outline, 32:11	principles of international judicial
gathering evidence, 32:13 outline, 32:11 using evidence, 32:13	assistance, 32:18
Cancellation	procedure for performance of
arbitral award, 32:34 w 32:36	international judicial investigation authorization, 32:20
injunction, 32:17	Provincial Peoples Court, 32:5, 32:6,
Court settlement of transnational	32:7
disputes	Supreme Peoples Court, 32:6, 32:7
admissibility of evidence, 32:12	trial of first instance, 32:8 to 32:10
appeals courts, 32:6 , 32:9	using evidence, 32:13
application for injunctive relief during	Court structure, 32:4
litigation, 32:15	· ·
authentication of documents by	Definition of arbitration agreement, 32:25
foreign competent agencies, rec-	
ognition, 32:21	District peoples court, 32:5
burden of proof, 32:11 to 32:13	First instance court, 32:5
cancellation of injunction, 32:16, 32:17	First instance trial, 32:8 to 32:10
	Injunctive relief
conduct of litigation, 32:8	application for injunctive relief during
disclosure of evidence, 32:13	litigation, 32:15
district peoples court, 32:5	cancellation of injunction, 32:16,
evaluation of evidence, 32:13	32:17

Transnational Litigation

VIETNAM—Cont'd WITNESS EVIDENCE—Cont'd Injunctive relief—Cont'd China, People's Republic (this index) court settlement of transnational Czech Republic (this index) disputes, 32:14 to 32:17 **Denmark** (this index) grant of injunction, 32:16 Finland (this index) injunctive relief during litigation, France (this index) 32:15 **Germany** (this index) modification of injunction, 32:16 **Hungary** (this index) outline of injunction, 32:14 India (this index) Judicial system, 32:4 **Ireland** (this index) Legal system Italy (this index) generally, 32:2, 32:3 Japan (this index) judicial system and court structure, Korea (this index) 32:4 **Kuwait** (this index) sources of law, 32:3 Philippines, 22:10, 22:11 Provincial Peoples Court, 32:5, 32:6, Singapore (this index) Sweden (this index) Recognition and enforcement of foreign Switzerland (this index) arbitration award in Vietnam, Taiwan (this index) 32:38 to 32:45 Turkey (this index) Structure of courts, 32:4 United Arab Emirates (this index) Supreme Peoples Court, 32:6, 32:7 United Kingdom (this index) Trial of first instance, 32:8 to 32:10 United States of America (this index) **WALES** Uruguay (this index) **United Kingdom** (this index) WRIT OF SUMMONS WITNESS EVIDENCE Singapore, 23:19, 23:25 Australia (this index) WRITTEN STATEMENT OR Austria (this index) STATEMENT OF Belgium (this index) **DEFENCE/DEFENSE Brazil** (this index) India, 15:15