# Table of Contents

Preface ........................................................................................................... V

## Part 1

### Cross Border Insolvency

#### Chapter 1: Introductory Remarks

*Masanori Kawano*

Transnational Cooperation for Cross-Border Business Bankruptcy
– Introductory Remarks – ................................................................. 3

#### Chapter 2: Jurisdiction and Insolvency

*Astrid Stadler*

International Jurisdiction under the Regulation 1346/2000/EC
on Insolvency Proceedings ............................................................ 13

*Neil Andrews*

Claims against Outsiders after Corporate Insolvency
or Corporate Rescue: The Modern English Experience ............. 26

*Marco De Cristofaro*

Forum Shopping and Insolvency of Groups of Companies
in the European Insolvency Regulation ......................................... 39

*Michele Angelo Lupoi*

A (Not so Simple Matter of) Jurisdiction: the Relationship
between Regulations (EU) No. 1346/2000 and No. 44/2001 .......... 63

#### Chapter 3: Comparative Insolvency

*Silvia Barona Vilar / Carlos Esplugues Mota*

International Bankruptcy in Spain ..................................................... 73
Laura Ervo
The Nordic Bankruptcy Convention ........................................... 89

Viktória Harsági
Hungarian Judicial Practice in Cross-border Insolvency —
Main or Territorial Proceedings ............................................. 97

Spyros Tsantinis
Basic Characteristics of the New Greek Bankruptcy Law ............ 104

Chapter 4: Security Interests in Insolvency Proceedings

Rolf Stürner
Insolvency and Security Interests in the U.S. and in Germany ...... 113

Masaaki Haga
Security Interests in International Insolvency in Japan ............. 119

Miklós Kengyel
Charges and Security Interests in Insolvency Proceedings in Hungary 163

Chapter 5: Foreign Insolvency Proceedings —
Recognition and Support

Nicolò Trocker
Multi-Jurisdictional Insolvencies and Access to Foreign Assets:
Transborder Cooperation Under Title 28, § 1782 U.S.C.
and Chapter 15 U.S. Bankruptcy Code ................................... 171

Masanori Kawano
Recognition and Support in Japan ............................................ 187

Domenico Dalsino
“Stay of Proceedings” and Powers of the Foreign Insolvency
Representative: Substitution of Parties or Transfer of Interest? .... 193
Table of Contents

Part 2
Arbitration, Intellectual Property Litigation
and the Significance of "Ordre Public" for Recognition
and Enforcement

Chapter 1: Arbitration

Neil Andrews
Public Judicial Support for the Private System of Arbitration 205

Chapter 2: Comparative Studies on Intellectual Property Litigation

Masanori Kawano
Intellectual Property Litigation as a Business Activity – General Remarks and Japanese Experiences 223

Peter L. Murray
American and German Patent Litigation; a Comparative Law Experiment 231

Dimitris N. Maniotis
Some Procedural Aspects Concerning the Protection of Copyrightable Works in Digital Form 249

Alexander Bruns
Litigation on Intellectual Property in Europe – Basic Structures and Perspectives 255

Miklós Kengyel
Litigation on Intellectual Properties in Hungary 264

Chapter 3: The Significance of "Ordre Public" for Recognition and Enforcement

Nicolò Trocker
Procedural Differences, Ordre Public and Recognition of Foreign Judgments – An Impressionistic Account 273

Dieter Leipold
Arbitration, Bankruptcy and Public Policy (ordre public) 299
Table of Contents

Viktória Harsági
Ordre Public and Arbitration in Hungary .......................... 306

Marco De Cristofaro
Public Policy in the European Union and the Abolition of Exequatur
Proceedings .............................................................. 312

Laura Ervo
The Concept of Ordre Public and the Situation in Finland .......... 327

Carlos Esplugues Mota
Recognition and Enforcement of Foreign Arbitration Awards in
Spain and Public Policy .................................................. 345

Spyros Tsantinis
The “Manifest Conflict” to the Public Policy (ordre public) of the
State in which Recognition is Sought, as a Ground of Non-recognition
for Judgments Relating to Family Relations (Divorce, Legal
Separation, Marriage-annulment and Parental Responsibility) ...... 357

Addendum

Chiara Besso Marcheis
Evidence and Proof in Business Tort Litigation ...................... 369

Speakers’ Profile .......................................................... 377