

ANGLO-AMERICAN CONTRACT MODELS NEWSLETTER – AUTUMN 2008

SUBMITTED THESES

Jens Christian Westly, who was employed as a research assistant in the Autumn semester 2007 (financed by the Norwegian Research Council), submitted for evaluation his thesis on No Oral Amendments clauses.

Ed Canuel, who worked on a PhD thesis in the framework of the project, submitted for evaluation his thesis on Liquidated Damages in the US and in the Norwegian system.

LINKS TO THESES

On the project's site (http://www.jus.uio.no/ifp/anglo_project/index.html) you can find links to the following theses that were so far submitted in the framework of the project (the full text is in Norwegian; draft abstracts in English are available for some theses and will soon be available for all):

- [Subject to Contract clause](#), by *Christine Halvorsen Thaulow*
- [No Waiver clause](#), by *Fredrik Skribeland*
- [Conditions, Representations, Warranties and Covenants](#), by *Tor Sandsbraaten*, with [abstract](#) in English
- [Material Adverse Changes](#), by *Lars Ole Sikkeland* with [abstract](#) in English
- [Entire Agreement clause](#), by *Henrik Wærsted Bjørnstad* with [abstract](#) in English (forthcoming)
- Subject to Contract and Best Efforts to Negotiate, by *Bodil Kristine Høstmælingen* (forthcoming)
- [Indemnification and Hold Harmless Clauses](#), by *André Bjerketveit*
- [Liquidated Damages](#), by *Kyrre Kielland*
- No Oral Amendments, by *Jens Christian Westly* (forthcoming)

Links are available also to the theses that were written on specific marine insurance subjects:

- [Mortgagee's interest insurance](#), by *Silje Gundersen*
- [Norwegian Marine Insurance Plan](#), by *Ingrid Lind Groh*
- [Various reinsurance clauses](#), by *Kaja de Vibe*

FUTURE WORK

On *Tuesday, 3rd March 2009* Professor *Silvia Ferreri*, from University of Turin, Italy, will hold a lecture on **Convergence and divergence in interpretation of contracts. English law and Italian law**. The starting point will be a decision of the Italian Supreme Court interpreting, under English law, a clause providing that renewal notice must be sent “within three months of termination”.

The lecture will be held in the frame of the course International Commercial Law, and will take place in Auditorium 6, Domus Academica, on 3 March 2009, 12.15-14.00.

In the framework of the project there are still two outstanding PhD theses: on hardship (Herman Bruserud) and force majeure (Anders Mikelsen). These theses will be available in the course of the next couple of years.

As explained in the newsletter Spring 08, there are no further clauses to be analysed in the framework of this project. Therefore, the project's future activity will concentrate on completing the research that is already ongoing and on organising the publications (see below).

A new research project will start Autumn 2009 – the area of the research will be a series of contract clauses with implications mainly in the area of encumbrances, insolvency and corporate law. The aim of the research will be to verify whether the parties may subject these clauses to the governing law that they have chosen for the contract, or whether there are special choice of law rules in these areas. Moreover, the research will verify whether the parties have more freedom to choose the governing law if the contract contains an arbitration clause.

CONCLUDING CONFERENCE

On *October 23rd and 24th* we held a concluding conference. The work done by the project participants throughout the project period was presented and discussed from the point of view various jurisdictions: the point of view of English law was presented by the project's English law advisor, [Mr Edwin Peel](#), Keble College, Oxford, and for the other jurisdictions we had a series of guest lecturers:

- ◆ Justice Gustaf Möller, Supreme Court , Finland

- ◆ Prof. Ivan Zykin, Russian Academy of Sciences, Moscow
- ◆ Prof. Peter Møgelvang-Hansen, Copenhagen Business School
- ◆ Prof. Jean Sylvestre Bergé, Paris
- ◆ Prof. Lars Gorton, Lund
- ◆ Avv. Maria Celeste Vettese, ABB, Italy
- ◆ Prof. Viggo Hagstrøm, University of Oslo

To the discussions participated actively a group of practicing lawyers from the project's [user's group](#). More information can be found on the [programme](#).

PUBLICATION OF THE PROJECT'S WORK

The project's work is being published in the [Publication Series](#) issued by the Department of Private Law at the University of Oslo. The publications will appear in a separate series entitled "*Anglo-American Contract Models*".

Project publication No 1 (169/2007) introduces the project and its method, and discusses questions of relevance to the general topic of the project.

Further publications will follow for each of the theses submitted in the framework of the project. The publications will be in Norwegian, with an English abstract.

In addition to the Publication Series mentioned above, the result of the project, including also the contributions by the advisors to the project and the various guest lecturers, will be coordinated and published in a separate book.

Anglo-American Contract Models
Institutt for privatrett / Nordisk institutt for sjørett
Karl Johans gt. 47, N - 0162 Oslo

Web: http://www.jus.uio.no/ifp/anglo_project

E-post: anglo-project@jus.uio.no

Tlf. 22 85 97 86