

## ANGLO-AMERICAN CONTRACT MODELS NEWSLETTER – SPRING 2009

### DEFENCE OF THESIS

*LLM Ed Canuel* publicly defended his thesis "Analyzing Norwegian and U.S. Contractual Damages Clauses. A Comparative Approach" on 5 May 2009, and gained the degree of PhD. On 4 May 2009 he held the trial lecture, entitled "Exemption clauses in a comparative perspective".

### SUBMITTED THESIS

*Herman Bruserud* submitted his thesis on "Hardship clauses" for evaluation for the Phd degree.

### LINKS TO THESES

On the project's site (<http://www.jus.uio.no/ifp/forskning/prosjekter/anglo-project/topics.html>) you can find links to the following theses that were submitted in the framework of the project (the full text is in Norwegian; draft abstracts in English are available for some theses):

- [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
- Subject to Contract and Best Efforts to Negotiate, by *Bodil Kristine Høstmælingen*
- [Indemnification and Hold Harmless Clauses](#), by *André Bjerketveit* with [abstract](#) in English
- [Liquidated Damages](#), by *Kyrre Kielland* with [abstract](#) in English

- [No Oral Amendments](#), by *Jens Christian Westly* with [abstract](#) in English

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

In the framework of the project there is still one outstanding PhD thesis on force majeure (Anders Mikelsen). This thesis will be submitted in the course of next year.

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 started Autumn 2009 – the area of the research is a series of contract clauses with implications mainly in the area of encumbrances, insolvency and corporate law. The aim of the research is 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 verifies whether the parties have more freedom to choose the governing law if the contract contains an arbitration clause. More information can be found at <http://www.jus.uio.no/ifp/forskning/prosjekter/law-clauses/>.

## 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.
- *Project publication No 2 (176/2009)* No waiver-klausulen by Fredrik Skribeland (only in Norwegian).
- *Project publication No 3 (177/2009)* Entire agreement-clauses by Henrik Wærsted Bjørnstad.
- *Project publication No 4 (178/2009)* No Oral Amendment-clauses by Jens Westly.

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.

## LECTURES AND PUBLICATIONS

Topics closely related to our project's subject-matter were presented and discussed in the following lectures or publications:

### *Anders B. Mikelsen*

THE DCFR RULES ON UNEXPECTED DIFFICULTIES IN PERFORMANCE, in European Review of Private Law no. 4/2009, 573-580 (together with Kåre Lilleholt);

HENVISNINGER TIL ENGELSK RETT I KONTRAKTER UNDERLAGT NORSK RETT, in Tidsskrift for Rettsvitenskap 04-05/2008.

### *Giuditta Cordero Moss*

COMMERCIAL CONTRACTS, in Twigg-Flesner, Chr. (ed.), *Cambridge Companion to European Union Private Law*, Cambridge University Press, 2009, pp.

CONSUMER PROTECTION EXCEPT FOR GOOD COMMERCIAL PRACTICE: A SATISFACTORY REGIME FOR COMMERCIAL CONTRACTS?, in Schulze, R. (ed.), *Common Frame of Reference and Existing EC Contract Law*, 2<sup>nd</sup> revised edition, Sellier. European Law Publishers, 2009, pp. 61-90

COMMON LAW CONCEPTS AND TERMS UNDER CIVIL LAW, International Bar Association Northern European Conference, Helsinki, September 4<sup>th</sup>, 2009

ENGLISH CONTRACTS FOR CONTINENTAL TRANSACTIONS, GE Infrastructure – Oil & Gas, Florence, July 14th, 2009

ENGELSKE KONTRAKTER FOR NORSKE TRANSAKSJONER, Advokatfirma Selmer, Oslo, September 8<sup>th</sup>, 2008

FREMMEDE RETTSBEGREPER I NORDISK KONTRAKTSRETT, Korreferent, Det 38. Nordiske Juristmøte, Copenhagen, August 21st-23rd 2008

---

**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/forskning/prosjekter/anglo-project/>  
 E-mail: [anglo-project@jus.uio.no](mailto:anglo-project@jus.uio.no)