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UNIVERSIDADE DE MACAU
UNIVERSITY OF MACAU

Faculty of Law Bi-Monthly Newsletter

法學院新聞簡報（雙月刊）

Faculdade de Direito Boletim Bi-mestral

07/06/2013 ISSUE 8

RESEARCH ACTIVITIES

Research Activities 1

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Special Feature 4

Prof. John Mo

- “Developing uniform rules for commercial contracts in Greater China: challenges and possibilities”, *Unif. L. Rev.*, 2013, 1–26 (published by Oxford University Press, referred journal)

Prof. Fan, J. H.

- Jiang, Z. /Fan, J.H. , On Relevance of the Principle of Proportionality to the Legality Review of Listed Companies’ Takeover Defenses: On the Regimes of the US and the EU, *Academic Journal of One Country Two Systems*, No. 2 (16), 2013, pp.60-70
- On the Standard of Legislative Technology in Macau, *Academic Journal of One Country Two Systems*, No. 1(15), 2013, pp.97-105

Prof. Jorge Godinho

- “A Nova Lei do Tabaco”, in *Legisiuris de Macau em Revista*, issue 1, April 2013, pp. 148 ff.
- “A Prevenção do Branqueamento de Capitais nos Casinos em Macau”, in *Legisiuris de Macau em Revista*, issue 1, April 2013, pp. 15 ff.
- “A History of Games of Chance in Macau: Part 2 — the Foundation of the Macau Gaming Industry”, in *Gaming Law Review and Economics*, vol. 17(2), March 2013, pp. 107 ff.
- The Macau Penal Code and Other Penal Laws in English Unofficial Translation: Portuguese to English. Ongoing translation. Available at SSRN (<http://ssrn.com/abstract=2235536>), last updated 19 March 2013.

Prof. R. J. Neuwirth

- “The Future of the Culture and Trade Debate: A Legal Outlook” (2013) 47 *Journal of World Trade* 391-419.
- “Global Governance and the Creative Economy: The Developing versus Developed Country Dichotomy Revisited” (2013) 1 *Frontiers of Legal Research* 127-144, available online at: <http://www.cscanada.net/index.php/flr/issue/current>
- “‘Novel Food’ for Thought” for the Governance of the Global Creative Economy” (2013) 20 *Hokkaido Journal of New Global Law and Policy* 375-427 (in Japanese language)

Prof. Fernando Dias Simões

- Legal Capital Rules In Europe: Is There Still Room For Creditor Protection? , *International Company and Commercial Law Review*, vol. 24, issue 4, 2013, pp. 166-172.
- Awarded a research grant by the Institute of European Studies of Macau in the framework of the Asia-Europe Comparative Studies Research Project. Until the end of the year Professor Dias Simões will be doing research on “Macau as a seat for arbitration between China, Europe and Portuguese Speaking Countries”.

ACADEMIC ACTIVITIES

VISITORS

For Class

- 11/03/2013 to 15/03/2013, Contract Law, Dr. Carlos Duque Simões, DSL Lawyers (MIB/LIB)
- 11/04/2013 to 12/04/2013, Commercial Contracts, Prof. Andrew Haynes, University of Wolverhampton.(MIB/LIB)
- 22/04/2013 to 26/04/2013, Hong Kong Contract Law, Dr. Positive Suk-ching Chan, Yim & Co. (MIB/LIB)
- 04/03/2013 to 08/03/2013, Commercial Law, Prof. Zhao XuDong, China University of Political Science and Law (MCL/LCL)
- 11/03/2013 to 15/03/2013, Intellectual Property Law, Prof.Cao XinMing, Zhongnan University of Economics and Law(MCL/LCL)
- 08/04/2013 to 12/04/2013,Organization and Administrative Law of European Union, Economic and Trade Law of the European Union, Prof. Zeng Lingliang, Wuhan University(MCL/LCL)
- 25/04/2013 to 26/04/2013,Criminal Procedural Law, Prof. Kuan Kun Hong, Commission Against Corruption of Macau S.A.R. (MCL/LCL)

For Thesis Defence

- 27/03/2013, Prof. Simon Ngai, Professor from University of Hong Kong, Chairman and Principal Commentator. (MIB/LIB)
- 20/04/2013, Prof. Man Young, Professor from University of International Business & Economics, Chairman and Principal Commentator. (MIB/LIB)

Others

- The New Program Accreditation (1 LLB, 2 LLM) has been conducted on 23-24 April. The composition of the panel member for the accreditation is as follow: Prof. Cooray M J A, Associate Dean and Professor of School of Law, City University of Hong Kong (Chair), Prof. Bea Verschraegen, Faculty of Law, University of Vienna (Member), Prof. Che Pizhao, School of Law, Tsinghua University (Member)

FLL COOPERATION AGREEMENTS

- 1) Universidade Lusíada Porto
- 2) University of Lisbon
- 3) University of Minho
- 4) EBS Universitat
- 5) University of Porto
- 6) University of Montreal
- 7) Universidade Eduardo Mondlane
- 8) National Prosecutors College
- 9) The Bureau of Policy and Law of Ministry of Railways of the People's Republic of China
- 10) Renmin University

SEMINARS, CONFERENCES

- On 1 March 2013, Prof. Fernando Dias Simões presented a paper “Privatization of Services of General Interest in Europe: Contract Law and the Protection of Citizens-Users” at Contract as “Public Law” at the Intersection of Globalization and Privatization, Emory University School of Law, Atlanta, Georgia, United States of America.
- On 2 March 2013, Prof. Fernando Dias Simões presented a paper “International contracts in the XXI century: harmonization of rules or standardization of clauses?” at Workshop on International & Comparative Law, Washington University School of Law, St. Louis, Missouri, United States of America.
- On 2-3 March 2013, Prof. John Mo presented a paper “Conflicts and Coordination between International Characteristics of High Sea Pirates and National Characteristics of Criminal Penalties against Pirates” at Conference on Main-

taining Navigation Safety in South China Sea, held in Xiamen.

- On 23 March 2013, Prof. Fernando Dias Simões presented a paper “Sino-Lusophone Commercial Arbitration: two worlds meet in Macau” at Third East Asian Law & Society Conference, KoGuan Law School, Shanghai Jiao Tong University, Shanghai, China.
- On 26 March 2013, Prof. John Mo presented a paper “Interpretation of Art 93 of the Basic Law and Legal Status of the Arrangement between Mainland China and Macau SAR on Mutual Recognition and Enforcement of Civil and Commercial Judgments in Macau” at the Conference on the Enrichment and Development of the Theories of “One Country Two Systems”, held in Macau.
- On 12 April 2013, Prof. Fernando Dias Simões presented a paper “Regulação do jogo: entre a autonomia e o paternalism” at Quarto Seminário sobre a exploração dos jogos de fortuna ou azar e os contratos em especial, Faculty of Law of the University of Macau, Macau.
- On 13 April 2013, Prof. John Mo participated in the 2013 Conference on Coordinating Financial Supervision across Taiwan Strait as one of the moderators, held in Hong Kong.
- On 20 April 2013, Prof. John Mo participated in the Asia Law School Dean’s Forum, held in Seoul, as one of the moderators.
- On 25 April 2013, the Institute for Advanced Legal Studies with cooperation of the Law School of Renmin University of China organized the “Mainland-Macau 2013 Summit Forum in Development of the Rule of Law in Macau—Jurisdiction Independence and Judicial Profession and the Presentation of the Report of 2012 China Legal Development”. This Forum was conducted in Chinese in Auditorium II of the University of Macau Library.



JEAN MONNET

- Date of Action: 02/03/2013
Keynote Speaker: Prof. Francesco Passarelli
Associate professor, Department of Economics, University of Teramo, Italy; Associate professor, Department of Economics, Bocconi University, Milan, Italy; Visiting scholar, Department of Economics, Harvard University
Title: Who has the power in the EU?
- Date of Action: 09/03/2013
Keynote Speaker: Prof. Paulo Borba Casella
Chair Professor for Public International Law & Vice-Dean at the University of São Paulo Law School; Visiting Professor, Law Faculty, University of Macau
Title: Cooperation amongst the BRICS and the EU Paradox
- Date of Action: 13/04/2013
Keynote Speaker: Prof. Peter Malanczuk
C.V. Starr Professor of Law, School of Transnational Law, Peking University; Dean Emeritus, School of Law, City University of Hong Kong; Member, Academic Advisory Council, University of Heidelberg; International Arbitrator (HKIAC, CIETAC, BAC, GZAC, CAA Taipei, KLRCA, SIAC)
Title: The Rise of Chinese Outward investment, National Security Concerns, and the Eurozone Debt Crisis

COMMUNITY SERVICE

- On 12 April 2013, Prof. Fernando Dias Simões had an Interview with TDM Macau, on Pathological Gambling.
- Prof. Fernando Dias Simões published 4 articles on the column "Entre Aspas", on "Ponto Final" Newspaper (twice a month, in Portuguese).

FLL International Law Moot Team Wins the Best New Team Award at the Jessup International Law Moot Court Competition 2013 in Washington D.C., USA.

The International Law Moot team of the Faculty of Law, University of Macau (UM IL Moot Team) won the Best New Team Award at the prestigious Jessup International Law Moot Court Competition 2013 held in Washington D.C., USA during 31 March – 6 April 2013. The Best New Team award was conferred on the UM IL Moot Team after it finished on the top of all the teams that participated in the competition not only for the first time but also from among those which participated in the competition for three years or less. It is important to note that the UM IL Moot Team achieved this feat in the very first year of its participation in the Jessup competition. Moreover, the team achieved this success in spite of the fact that none of the team members had any previous experience of international mooting or mooting in English. Apart from the award, the team also benefited from the rich mooting experience and interactions with diverse teams from around the world. The competition also provided the rare opportunity for each team member to get individual feedbacks from the judges and witness different proceedings including those presided over by the real judges of the International Court of Justice.



The UM team consisted of five international law students, namely Yin Qingsi, Zheng Jiajia, Yuan Xingxing, Tang Yanyan, and Wang Yuna. The team was coached by Dr. Muruga Perumal Ramaswamy, Associate Professor of law and Area Coordinator of the International Law Master Program, and Dr. Sten Verhoeven, Senior Instructor in FLL. The team of five members was selected from among several students who participated in the selections held last year October. After the selections, the team underwent a rigorous training on mooting research, drafting skills and oral advocacy training for six months. During this time, the team had produced two written memorials (one for the applicant and the other for the respondent) of more than ten thousand words each after making several drafts and revisions. After the memorial submissions, the team underwent continuous oral advocacy training and several pleading sessions at the Moot Court facility of the Faculty of Law. The written memorials and oral pleadings for the competition involved preparation on the part of the team almost on a daily basis for six months and this very hard work was instrumental in the ultimate success of the team. The Philip C. Jessup International Law Moot Court Competition, which was launched 54 years ago, started as an advocacy competition among major law schools in the US like Harvard and Columbia in 1959. It has since grown to be the world's largest and most prestigious competition with participants from over 550 law schools in more than 80 countries. The competition emulates the International Court of Justice, the judicial organ of the United Nations. Moot teams act as legal counsels for the two sides of a fictional legal dispute concerning some contemporary issues in the international law. The dis-



pute for this year's competition was related to the factual and legal consequences of climate change on statehood, migration, and sovereign lending. The competition is judged by real judges including the current sitting judges of the International Court of Justice.

International law is taught in English at the Faculty of Law in two masters program namely the Masters Program in European Union Law, International Law and Comparative Law and the Masters program in International Business Law. Moreover, international law is also taught in English by the Faculty of Law for the Master and Bachelor programs at the Faculty of Social

Sciences and Humanities. The UM IL Moot Team of this year consisted of students from the above master programs of the two faculties. The composition of a successful team with students of diverse backgrounds and programs indicates the interdisciplinary significance of international law. FLL will continue to train students in international law and for international moot competitions in the future. Moreover, the winning UM team, with their rich experience of mooting with international teams, is planning to organise some activities for the benefit of other law students at UM through the student-run Mooting and Advocacy Club in the faculty. Current and future students, who are interested in partaking in the Jessup International Law Moot Court competition or pursuing International Law studies at UM may contact the Faculty of Law, University of Macau or visit its faculty page at www.umac.mo/fll for further information.

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If you have any suggestions or news, please feel free to contact us!