The Fragmentation of Commercial Law: Challenges and Normative Approaches

Commercial law is not a single, monolithic entity. It has grown into a dense thicket of subject-specific branches that govern a broad range of transactions and corporate actions. When one of these events falls concurrently within the purview of two or more of these commercial law branches - such as corporate law, intellectual property law, secured transactions law, conduct and prudential regulation - an overlap materializes. In their research, Castellano and Tosato refer to this legal phenomenon as a commercial law intersection (CLI). Some notable examples of transactions that feature CLIs include bank loans secured by shares, supply chain financing arrangements, patent cross-licensing, and blockchain-based initial coin offerings. This presentation provides a comprehensive analysis of CLIs and their coordination failures. Drawing from systems theory and jurisprudence, the presenter then identifies the deficiencies of the most common interpretative approaches used to reconcile tensions between commercial law branches, and it formulates a two-step interpretive method as a possible solution.

Agenda

12:15 p.m. Welcome
Prof. Dr. Marco Dell’Erba

12:20 p.m. Presentation
Prof. Dr. Giuliano Castellano (The University of Hong Kong, Faculty of Law)

01:30 p.m. End of the event

Date: Tuesday, 11 May 2021
12:15 - 01:30 pm (CEST)

Venue: Webinar (Zoom)
Link will be shared the day before the seminar.

Fee: Attendance is free of charge.

Language: The talk will be held in English.

Registration: Please visit our website: www.finreg.uzh.ch/events, or send an e-mail to forumfinreg@rwi.uzh.ch.

Closing date: Monday, 10 May 2021