

THE UNIVERSITY OF HONG KONG  
ASIAN INSTITUTE OF INTERNATIONAL FINANCIAL LAW  
&  
CENTRE FOR CHINESE LAW

*Seminar*

**Overlapping Jurisdictions and the  
Resolution of Disputes Before  
Chinese and Foreign Courts**

**Professor Vivienne Bath**

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Sydney Law School, University of Sydney*

**Thursday, 19 November 2015, 12:30 - 1:30 pm  
Academic Conference Room, 11/F Cheng Yu Tung Tower  
The University of Hong Kong**

As China and its companies become more important internationally, the legislative reach of Chinese law and the jurisdictional reach of Chinese courts become increasingly important. Similarly, the growing presence of Chinese companies and businesses overseas means that cases outside China often have a potential overlap with cases inside China in relation to evidence, enforcement, and the possibility of competing litigation. Recent cases in the United Kingdom, Australia, Hong Kong and China raise the problem of the overlapping jurisdictional reach of the courts in cross-border disputes and show that the choice of forum and governing law by the disputing parties is not necessarily sufficient to resolve the issue of jurisdiction. While these jurisdictional conflicts are certainly not new in an international sense, the role played by China, as a relatively new entrant into this area, and the approach taken by the Chinese courts, raises interesting issues in the areas of comparative private international law, Chinese law and policy, and international business law. This paper looks at questions relating to overlapping jurisdiction and the issues that may arise in resolving the resulting disputes.

**Vivienne Bath** is Professor of Chinese and International Business Law at Sydney Law School, University of Sydney, Director of the Centre for Asian and Pacific Law and Director of Research at the China Studies Centre Research Committee at the University of Sydney. Her teaching and research interests are in international business and economic law, private international law and Chinese law). She has first class honours in Chinese and in Law from the Australian National University, and a Master of Laws from Harvard University. She has also studied in China and Germany. She is admitted to practice in Australia, New York, England and Wales and Hong Kong and, prior to joining Sydney Law School, was a partner of international law firm Coudert Brothers. She has extensive professional experience in Sydney, New York and Hong Kong, and was recently appointed to the Shanghai Arbitration Commission list of arbitrators. Representative publications include: Burnett and Bath, *Law of International Business in Australasia*, Federation Press 2009; Bath, V, 'Foreign investment, the national interest and national security – foreign direct investment in Australia and China,' (2012) 34 *Sydney Law Review* 5-34 and Bath, V, 'ASEAN: The Liberalization of Investment through Regional Agreements,' in Trackman and Ranieri (eds) *Regionalism in International Investment Law*, Oxford University Press, 2013. Professor Bath speaks Chinese (mandarin) and German. See [www.sydney.edu.au/law](http://www.sydney.edu.au/law) for a fuller list of publications and research interests.

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