



Jindal Global Law School  
India's First Global Law School



The London Centre for Commercial and Financial Law

# CONFERENCE SERIES ON CONTRACT LAW IN COMMON LAW COUNTRIES: A STUDY IN DIVERGENCE

**CONFERENCE I:  
THE FORMATION OF THE AGREEMENT**  
**JUNE 7-8, 2021**

**Organized by:**  
Jindal Global Law School  
O.P. Jindal Global University, India  
and  
The London Centre for Commercial and  
Financial Law (LCF)

**in co-operation with the**  
Institute of Advanced Legal Studies,  
School of Advanced Studies,  
University of London

## CONFERENCE CONVENORS

**MANASI KUMAR**  
Jindal Global Law School

**MAREN HEIDEMANN**  
LCF and University of London

For Registration  
Scan QR Code



Registration link: [Bookings through the LCF website](#)

# DAY 1

MONDAY, 7 JUNE 2021



GMT 12:00 PM - 3:00 PM

## WELCOME ADDRESS

GMT 12:00 PM - 12:10 PM



**Mads Andenæs** is a Queen's Counsel and holds a Chair in the Faculty of Law, the University of Oslo, Norway. He is a director of the London Centre for Commercial and Financial Law and remains a Visiting Research Fellow of the Institute of European and Comparative Law, University of Oxford and a Senior Research Fellow at the Institute of Advanced Legal Studies, School of Advanced Studies, University of London. He has held senior academic appointments in the United Kingdom, including as Director of the British Institute of International and Comparative Law, London and Director of the Centre of European Law at King's College, University of London.

## KEYNOTE ADDRESS

GMT 12:10 PM - 12:40 PM



**Mindy Chen-Wishart** is Dean, and Professor of the Law of Contract at the Faculty of Law at Oxford University and a Fellow of Merton College. She holds a fractional Professorship at the National University of Singapore and is the Cheng Yu Tung Visiting Professor, Hong Kong University. She has also visited and taught at Law Schools in Germany, Australia, New Zealand, China, Japan, Thailand, Indonesia, and Taiwan. She is author of *Contract Law* (6th ed), and of numerous articles on the theory, doctrine and comparative law of contract. She is an Editor of *Chitty on Contracts* (now 33<sup>rd</sup> ed), and of the six-book series on *Studies in the Contract Laws of Asia*, of which the first three have been published. Mindy was a member of the Advisory Group on *A Restatement of the English Law of Contract*, and has lectured to the Judicial College of England and Wales, and the judiciary in Hong Kong and Taiwan.

# DAY 1

MONDAY, 7 JUNE 2021



GMT 12:00 PM - 3:00 PM

## PAPER 1

GMT 12:40 PM - 1:25 PM

# THE RISE OF THE MAIL-BOX RULE [ENGLAND, CANADA, AND THE U.S.]



## PAPER AUTHOR

**Mitja Kovac** is full-time professor of civil and commercial law at the University of Ljubljana, School of Economics and Business (Slovenia), a visiting lecturer at the Erasmus Universityies of Rotterdam (The Netherlands), Ghent (Belgium), Turin (Italy) and Vienna (Austria). He is also a visiting researcher at the Erasmus University Rotterdam, Faculty of Law and the Washington University School of Law in St. Louis (USA). He publishes in the fields of comparative contract law and economics, new institutional economics, consumer protection, contract theory and competition law and economics. He gained his LL.M. and PhD in the fields of comparative contract law and economics at Utrecht University, Faculty of Law, Economics and Governance (The Netherlands). In 2006 he became a member of the Economic Impact Group within the CoPECL Network of Excellence (European DCFR project). He was a visiting professor at the ISM University of Management and Economics in Vilnius (Lithuania) and a research fellow at the British Institute of International and Comparative Law in London (UK) and at Washington University School of Law in St. Louis.



## PAPER DISCUSSANT

**Nigam Nuggehalli** is the Dean of the School of Law at BML Munjal University. He was previously a Visiting Professor at the National Law School of India University, Bangalore, and has also taught as an Associate Professor in the School of Policy and Governance at Azim Premji University, during which time he also headed the university's newly founded LL.M programme. He holds a DPhil from the University of Oxford Faculty of Law, an LL.M in Taxation from New York University and a BA., LLB (Hons.) from the National Law School of India University. Before moving to India, he was a Principal Lecturer teaching tax law and commercial law at BPP Law School, London. He led a team of academics in delivering undergraduate programmes in jurisprudence and postgraduate programmes in commercial law and international tax law. Before joining academia, he worked as a tax lawyer in New York and is a member of the New York Bar and the India Bar (Karnataka). As a lawyer and as a law academic, he has practiced and taught a variety of legal subjects (contracts, commercial law, corporate law, taxation) with reference to the legal regimes in the United States, the United Kingdom, and India. He has extensive research and publication experience in legal issues relating to international taxation, commercial law, and statutory interpretation.

DISCUSSION WITH AUDIENCE – GMT 1:25 PM - 1:45 PM

# DAY 1

MONDAY, 7 JUNE 2021



GMT 12:00 PM - 3:00 PM

## PAPER 2

GMT 1:55 PM - 2:40 PM

## CONTRACTUAL NEGOTIATIONS AND THE COMMON LAW: A MOVE TO GOOD FAITH? [ENGLAND AND WALES, AND CANADA]



### PAPER AUTHOR

**Paula Giliker** is Professor of Comparative Law at the University of Bristol, having previously worked at the Universities of Oxford and Queen Mary, University of London. She is a former Chair of the British Association of Comparative Law and currently Honorary Secretary and Trustee of the Society of Legal Scholars of the UK and Ireland. She has published extensively on comparative private law and the law of obligations (contract and tort) in the common law and in common/civil law and is a visiting professor at the Universities of Valencia and Hong Kong. Her recent publications include: 'Codification, Consolidation, Restatement? How best to systemise the modern law of tort' (2021) 70 ICLQ 271; 'The Consumer Rights Act 2015: A bastion of European consumer rights?' (2017) 37 *Legal Studies* 78 and 'The influence of EU and European human rights law on English private law' (2015) 64 ICLQ 237, and monographs: *The Europeanisation of English Tort Law* (Hart, 2014) and *Vicarious liability in tort: A Comparative Perspective* (CUP, 2010). A leading comparative law scholar, she is on the editorial board of the *International and Comparative Law Quarterly*, the editorial advisory board of the *Journal of Professional Negligence* and contributes to renowned common law tort practitioners' text, *Clerk and Lindsell on Torts*. She is also an Associate Member of the *International Academy of Comparative Law*.



### PAPER DISCUSSANT

**Hector MacQueen** is Professor of Private Law and Director of Edinburgh Centre for Private Law, Acting Head of Subject Area: Intellectual Property, Information Technology & Media Law at Edinburgh Law School, University of Edinburgh. He has been a member of the Edinburgh Law School staff since 1979, having also taken his LL.B and Ph.D at Edinburgh. Appointed to the Chair of Private Law in 1994, he was Dean of the Law School 1999-2003, and Dean of Research and Deputy Head of the College of Humanities and Social Science in the University 2004-2008. He was appointed Scottish Law Commissioner on 29 September 2009. He has been a Fellow of the Royal Society of Edinburgh since 1995 and was elected a Fellow of the British Academy in 2006. He currently chairs the Law section of the Academy, and is also a cross-member in Medieval Studies. He has held visiting appointments at Cornell University in the USA, the University of Utrecht in the Netherlands, Stetson University College of Law ('Florida's first law school'), and the University of Lucerne (Switzerland).

DISCUSSION WITH AUDIENCE – GMT 2:40 PM - 3:00 PM



# DAY 2

TUESDAY, 8 JUNE 2021



GMT 12:00 PM - 2:30 PM

## PAPER 3

GMT 12:00 PM - 12:45 PM

### MAJOR DIFFERENCES IN MINORS' CONTRACTS: A COMPARATIVE ANALYSIS INTO THE VALIDITY OF CONTRACTS IN THE SPORT AND ENTERTAINMENT INDUSTRY [UK, AUSTRALIA AND INDIA]



#### PAPER AUTHORS

**Shaun Star** is an Associate Professor & Associate Dean at Jindal Global Law School. He is the Executive Director of the Centre for Sports Law, Business and Governance and the Executive Director, Centre for India-Australia Studies at O.P. Jindal Global University. He has been working in India since 2010. Running his own advisory practice, Shaun has advised numerous organisations (from start-ups to listed companies), assisting them with their entry and expansion into India. He is an Australian qualified lawyer and has worked at various top-tier law firms in Australia and India, including most recently at Amarchand & Mangaldas & Suresh A Shroff & Co. He was named as one of 30 people to watch in the business of law by Asia Law Portal. Shaun has advised a number of clients in the field of sports law, including national sporting federations, such as the Afghanistan Cricket Board. Previously, he has worked as Senior Operations Manager at the Indian Premier League (IMG) and in a boutique sports law firm in Bangalore (LawNK). At Jindal Global Law School, he convenes a number of subjects, including (i) Sports Law and Governance; (ii) The Law of Torts and Consumer Protection; (iii) Legal Research Methodologies; (iv) Comparative Australia Studies. His research interests are in the field of Sports Law and Governance, Esports, Anti-doping, and the Australia-India relationship. He is passionate about promoting the Australia-India relationship and has published a book entitled "Australia and India: A Comparative Overview of the Law and Legal Practice". He is the co-founder and former chair of the Australia India Youth Dialogue and provides regular commentary on issues such as the Australia-India relationship and sports law and governance in India. His opinion pieces have been featured in Indian and Australian national newspapers and he has participated in panel sessions on Indian prime time television.



**Divyangana Dhankar** is an Assistant Professor of Legal Practice at Jindal Global Law School. She secured her Bachelor of Life Sciences and Bachelor of Laws from the University of Delhi. She also has a Juris Doctor from the University of New South Wales (UNSW), Australia. Apart from legal qualifications, she holds a Graduate Diploma of Applied Corporate Governance from the Governance Institute of Australia, a recommended course for Australian chartered secretaries and governance professionals. She has experience working in top tier law firms in India and Australia, including the Alternate Legal Technology Team at Allens (in alliance with Linklaters), Sydney and the Corporate Team at J. Sagar Associates, Gurgaon. She is also qualified to serve as a Patent Agent. Her areas of interest include the cross-jurisdictional appreciation of law between Australia and India, specifically in the context of intellectual property and business associations.



#### PAPER DISCUSSANT

**May Fong Cheong** is Acting Deputy Head and Senior Lecturer at the Thomas More School of Law, Australian Catholic University and also Visiting Fellow at UNSW Sydney. She was formerly Professor and Dean at the Faculty of Law, University of Malaya, and Adjunct Professor at Multimedia University Malaysia. She has also previously practiced as a commercial litigation lawyer in Kuala Lumpur, Malaysia having been admitted as Advocate & Solicitor of the High Court of Malaya. She has more than twenty years' experience in academia and has taught a wide range of subjects including contract, property and restitution. Her main research areas are contract law, commercial law, consumer law, unfair contracts, remedies and comparative Asian law. Her other research interest is competition law particularly on the legal and regulatory frameworks of competition law regimes in ASEAN member states. She has published extensively including in Journal of Contract Law and World Competition.

# DAY 2

TUESDAY, 8 JUNE 2021



GMT 12:00 PM - 2:30 PM

## PAPER 4

GMT 12:45 PM - 1:30 PM

## MINORS' CONTRACTS IN THE DIGITAL AGE [ENGLAND, INDIA AND SOUTH AFRICA]



### PAPER AUTHOR

**Shivangi Gangwar** is an Associate Professor at Jindal Global Law School. She completed her B.A.LL.B. (Honours) from NALSAR University of Law, Hyderabad and her LL.M. from the University of Chicago. At JGLS she primarily teaches Law of Contracts to first-year students. She also serves as an Assistant Editor on the Jindal Global Law Review editorial board. Her papers have been workshopped and published at several national and international venues. Her research interests include comparative constitutional law, contract law, and law and economics.



### PAPER DISCUSSANT

**Nilima Bhadbhade** is a lawyer, consultant and trainer at ILS Law College of the Department of Law, University of Pune, India, where she taught Contracts, Property, Insurance and Evidence as an Associate Professor until 2016. She designs workshops and courses for companies and institutions. Following a programme at Cardiff Law School, Cardiff, Wales she became a trainer on the "train the trainers" programme organised by the British Council for law teachers in India. The programmes include organising advocacy skills related activities. She has published widely on Indian contract law including for the International Encyclopaedia of Laws, the BRICS Principles of Contract Law, and the Studies in the Contract Laws of Asia. She has also edited highly-regarded treatises on Indian contract law, such as 'Pollock and Mulla's Contract and Specific Relief Act' and the volume on contract law in 'Halsbury's Laws of India.'

JOINT DISCUSSION OF PAPERS ON  
MINORS' CONTRACTS WITH AUDIENCE – GMT 1:30 PM - 2:15 PM

# DAY 2

TUESDAY, 8 JUNE 2021



GMT 12:00 PM - 2:30 PM

## CLOSING REMARKS BY CONVENORS

GMT 2:15 PM - 2:30 PM



**Manasi Kumar** is a Professor at Jindal Global Law School. Prior to entering academia, she worked as commercial dispute resolution attorney with well-known law firms in India and the United States, where she was admitted to the Oregon state bar. She had a diverse commercial practice that included construction, oil and gas, government procurements, insurance, and maritime law. Upon joining JGLS, she has been teaching foundational contract law courses, and since 2015 has been teaching a self-designed, highly popular elective on commercial contract drafting. Her research is focused on contract law, alternate dispute resolution, and animal law (she occasionally offers a self-designed elective on animal welfare law in India). She has also served as Assistant Dean of Academic Affairs in JGLS and later Controller of Examinations for O.P. Jindal Global University, a role she stepped down from to focus on her research in 2018. In 2020, she received the O.P. Jindal Global University Research Excellence Award. She has a Juris Doctor from Lewis and Clark Law School in the United States, where she was inducted into the Cornelius Honour Society upon her graduation in 2008, an honour given to select graduates by the law school faculty.



**Maren Heidemann** is a founding director of the London Centre for Commercial and Financial Law. She has held a number of full time and visiting academic appointments in the UK since 2007 including at the University of Westminster and University of Glasgow. She also lectures regularly across Europe including at Universities in Berlin, Oslo and Lisbon. She has been working for the University of London since 2010 in various roles including as research fellow, postgraduate supervisor supervising doctoral students at the Institute of Advanced Legal Studies (IALS), School of Advanced Studies, University of London in the areas of international sales, comparative corporate and data protection law and as Teaching Fellow and tutor at the Centre for Commercial Law Studies (CCLS) at Queen Mary, University of London. Her main academic interest is in transnational commercial law, comparative private law, the relationship between public and private law and international taxation. She is a fully qualified German lawyer and obtained a master's degree (1994) and a PhD (2005) in international commercial law from the University of Nottingham. Her case work as legal practitioner has included cross-border corporate and contract law, international taxation, landlord and tenant as well as administrative and heritage law matters. She has also worked for the non-profit sector since 1989.