

## **Propositions pertaining to the doctoral thesis**

### **Forum Selling and Forum Marketing in International Commercial Disputes: The Case of International Commercial Courts**

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#### ***Related to the thesis***

1. One of the features distinguishing international commercial courts from ordinary courts is that they engage in forum selling.
2. Forum selling and the competition among civil justice systems is a by-product of a regulatory competition regarding the attraction of foreign investment and dispute resolution in general.
3. International commercial courts engage in forum selling by adopting three main techniques: namely, engaging in forum marketing, adopting expansive jurisdiction rules, and emulating some of the features that characterize international commercial arbitration.
4. Forum selling places increased emphasis on party autonomy while it downplays the significance of territoriality or the role of formal requirements with regard to choice of court agreements.
5. While forum selling may improve access to justice in international commercial disputes, under certain circumstances it may at the same time undermine the role of courts as public institutions.

#### ***Not related to the thesis***

6. The attractiveness of a civil justice system does not lie only in specialised courts, but also in the availability of digitised proceedings, litigation funding, vehicles for collective action, and alternative dispute resolution methods.
7. The competition among civil justice systems encourages the harmonisation of civil procedure laws and may therefore contribute to the formation of a 'global civil procedure'.
8. The availability of multiple public as well as private dispute resolution options signals a transition from civil justice to dispute resolution systems.
9. In the context of high-value commercial disputes, access to justice is a misnomer for access to cases.
10. Private international law is becoming increasingly less private and more public.

#### ***Non-academic***

11. Forum selling is simply a fancy word denoting the competition among courts and civil justice systems.