

## Frequently Asked Questions

### 1. About the Asian Principles for the Recognition and Enforcement of Foreign Judgments

#### 1.1. What is the *Asian Principles for the Recognition and Enforcement of Foreign Judgments (Asian Principles)*?

The Asian Principles distills the commonalities and differences of the law on foreign judgments recognition and enforcement in 15 countries (all ten ASEAN member states, plus Australia, China India, Japan and South Korea) for readers into 13 overarching principles that underpin the recognition and enforcement of foreign judgments in the region.

Authored by leading academics and practitioners with extensive regional exposure, each of the 13 Asian Principles comes with a detailed commentary fully supported by citations. Where appropriate, the Asian Principles also suggest ways forward for the development of the law in this area.

It is the first of any such publication anywhere in the world.

#### 1.2. Why is the Asian Principles important?

The inter-connection of the global economy has significantly increased the number and the size of cross-border transactions. This increase may lead to a concomitant rise in cross-border disputes and litigation. In this regard, the recognition and enforcement of judgments made by the courts of one country in the courts of another has particular significance because without effective recognition and enforcement, a party with a judgment in its favour will end up with merely a piece of paper.

The Asian Principles serves to promote convergence in this area by facilitating greater portability of judgments within ASEAN and its major trading partners. This in turn can facilitate cross-border transactions by reducing legal uncertainties, lowering transaction costs and minimizing associated legal frictions. This mission is made all the more important in a Covid-stricken world where cross-border business disputes are expected to rise and protectionism is rearing its ugly head.

#### 1.3. I am a law academic. How can the Asian Principles benefit me?

The Asian Principles will be a useful reference tool for you if your research interest involves comparative study of private international law. With both the commonalities and the differences of the law on foreign judgments recognition and enforcement in the 15 countries already drawn out for you, the Asian Principles saves you time and energy from having to do comparative analysis yourself from scratch.

With its coverage of lesser-known ASEAN jurisdictions, the Asian Principles also provides you with hard-to-find, reliable information in English on the legal positions in those countries to assist you with your research.

You will also find the regional overview of the Asian Principles beneficial in your teaching and other professional (such as *amici curiae*) engagements.

#### 1.4. I am a practitioner. How can the Asian Principles help me and my clients?

When advising a client, you inevitably need to prepare for the worst – that your client will need to go to court to safeguard its rights. This means you will need to consider governing law and forum clauses, especially if the client does cross-border deals.

When you indeed litigate, you want to ensure that you commence and run the court proceedings in such a way that the fruits of those proceedings — a judgment in your client’s favour — are not lost when it comes to enforcing that judgment across borders.

Some of the questions you might ask yourself include:

- *"If I choose the law of Country X as the governing law for my client's contract, will a judgment rendered in my client's favour based on that law be recognisable in Country Y where the counterparty has substantial assets?"*
- *"Is a judgment rendered by a court of my home country entitled to enforcement in the country in which the judgment debtor may have assets (**Country X**)? Is there any precedent for enforcement in Country X or would I be advising my client to run a test case?" See Principle 5 at paras (f)–(w).*
- *"I'm considering notifying the defendant of my proceedings by way of post. Will service by post be deemed inappropriate by the courts of Country X and thus scuttle an enforcement action?" See Principle 10 at paras (zl)–(zo).*
- *"The defendant is a slippery individual. He isn't resident in my home country and I doubt he will step foot here. But he is a citizen. Will the courts of Country X accept citizenship as a valid basis for the court of my home country to exercise jurisdiction over this evasive defendant? See Principle 2 at paras (k)–(y).*

The Asian Principles covers the world’s second and third largest economies and its fastest growing region where you client is mostly like to be doing business (if not already so).

#### 1.5. I am a law student but have not taken any course on conflict of laws or private international law. Is the Asian Principles relevant to me?

If you are fascinated by whether the judgments of Country X can be recognised (or rejected) in Country Y based on a specific ground, the Asian Principles is definitely for you regardless of whether you have taken a formal course on conflict of laws.

The globalised world means that you can no longer be contented with knowing only the law of your home country. Even if you have just started law school and are not yet clear about the area of the law you want to specialise in, you will find the laws of other countries, and increasingly those of a different legal tradition, essential when you graduate and start to advise clients or business units on your own. See above "I am a practitioner. How can the Asian Principles help me?" So why not have a head start over others now?

#### 1.6. How is the Asian Principles different from Recognition and Enforcement of Foreign Judgments in Asia (Judgments Compendium)?

The Asian Principles and the Judgments Compendium complement each other. They are both part of the Foreign Judgments Project of the Asian Business Law Institute.

The Judgments Compendium comprises 15 concise reports written by legal scholars and practitioners in the same 15 countries, identifying their existing recognition and enforcement of foreign judgment rules. In essence, the Judgments Compendium is a vertical country-by-country analysis supported by full citations.

The Asian Principles compares, contrasts and summarises the laws of those 15 countries to form 13 overarching principles. In other words, the Asian Principles has done comparative analysis for its readers and is a horizontal principle-by-principle analysis where each country's position under a principle is analysed in relation to those of the other 14 countries.

**1.7. I am advising clients in ASEAN countries and want to know more about the rules on foreign judgments recognition and enforcement in some particular places. Do I read the Asian Principles or the Judgments Compendium?**

If you are strapped for time and only want to focus on one country, we recommend you read the Judgments Compendium which gives you a dedicated report in English on relevant rules of the country of your interest. The fully-cited report will point you to not only relevant legal provisions but also successful and failed precedents (if any) to help you design your advisory strategy. We have made individual reports in the Judgments Compendium available for you.

If your practice often involves multiple ASEAN countries, we recommend that you read the Judgments Compendium and the Asian Principles together. The former tells you what the law is in those countries while the latter gives you the comparative picture. You no longer need to draw an Excel table to do comparison yourself. We have made a bundle of these two publications available for you at a discounted price.

**2. Product, purchase and payment**

**2.1. I want to make a purchase on this site, but I am unclear about what I will get. Do I receive an e-book or a hardcopy?**

We are offering the electronic versions of the Asian Principles, the bundle of the Asian Principles and the Judgments Compendium, and the bundles of the Asian Principles and any country report in the Judgments Compendium for sale at this site.

If you purchase here, a link will be emailed to you for you to download a softcopy.

**2.2. I clicked on “Buy the ebook” button and was directed to a website called Payhip. What is Payhip? How does it work?**

In a nutshell, Payhip is an e-commerce platform that enables creators to sell their work directly using just a link.

Once you click on “Buy the ebook” here, you will be directed to Payhip to complete your purchase by entering payment details and an email address. Payhip will immediately email you through that address a link to download what you have purchased. If you do not receive that email for a prolonged period, please check your spam or junk box.

You can learn more about how Payhip works [here](#).

**2.3. Who is processing my payment?**

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You can learn more about how Paypal works [here](#).

**2.4. I am a law firm representative who want to purchase the Asian Principles for my lawyers. Our firm has a policy that we should only make payment against an invoice. What should I do?**

If you prefer to purchase the Asian Principles or any bundle via a conventional bank transfer, or if you need a formal invoice for reimbursement purpose, please write to [info@abli.asia](mailto:info@abli.asia) and we will make alternative arrangements for you.

**2.5. I still prefer to hold a real book in my hand. Do you have any plans to print hardcopies?**

Our love for hardcopy books never dies! We are planning a limited print run for the Asian Principles and will make it available for purchase once ready. Email [info@abli.asia](mailto:info@abli.asia) to register your interest for a hardcopy and we will notify you once it is ready.

Meanwhile, we strongly encourage you to purchase an e-book here to enjoy its many user-friendly features, such as hyperlinking to internal cross-references and hyperlinks to English translations of cases and legislations (where applicable).

**3. Privacy policy**

At the Asian Business Law Institute, we are committed to protecting any personal data that come to our knowledge. To minimize the risk of any personal data breach, we urge that you only provide your business contact information when you purchase our products. For example, you are strongly advised to provide an e-mail address for work or professional purpose instead of your personal email address.

As a subsidiary of the Singapore Academy of Law (SAL), we also follow SAL's privacy policy in handling personal data. To the extent permitted under Singapore's Personal Data Protection Act 2012, we may use the data you provided us with as part of this purchase, and share those data with SAL, for the purpose of helping us perform statistical analysis, sending you newsletters or updates about our future products and providing you with customer support.

By proceeding with this purchase, you are deemed to have consented to the collection and use of your data, and the potential disclosure of your data to SAL, for the above purposes. You can review SAL's privacy policy anytime at <https://www.sal.org.sg/Footer/Privacy-Policy>. We will never share your data with any other third party without your express consent.

We do not retain any of your payment details which are processed by Payhip and Paypal directly. You can review Payhip's privacy policy anytime at <https://payhip.com/privacy>. Paypal's privacy policy can be read at <https://www.paypal.com/en/webapps/mpp/ua/privacy-full>.

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