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THE LAW APPLICABLE TO NON-CONTRACTUAL OBLIGATIONS ARISING
FROM THE INFRINGEMENT OF COPYRIGHT IN ACCORDANCE WITH THE ROME II
REGULATION AND THE CHALLENGES OF THE DIGITAL WORLD
Thesis Abstract

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1. The background and objectives of the research

The intersection of intellectual property law and private international law has increasingly attracted the attention of commentators over the last thirty years. From the various intellectual property rights, copyright seems to cause the most challenging problems for scholars, legislators and law enforcers, thanks to its territorial yet universal nature and due to its widespread international and digital use. The main source of difficulties is, on the one hand, the infringement of copyright and related rights in the context of online activities, as these rights are automatically protected and yet territorial in nature. On the other hand, thanks to the ubiquity of the World Wide Web, infringing behaviour on the Internet and its consequences are usually omnipresent.

Article 8 of the Rome II Regulation provides for the application of a special conflict-of-law rules in relation to non-contractual obligations arising from the infringements of intellectual property rights. The conflict-of-law rule in Article 8(1) determines the law applicable to obligations arising from the infringement of an intellectual property right protected by national law, based on the traditionally acknowledged *lex loci protectionis* principle. In other words, for a non-contractual obligation arising out of an infringement of an intellectual property right, the competent national court must apply the law of the country for which protection is sought. Consequently, in case of ubiquitous infringements, in order to obtain full compensation of the damages, the conflict-of-laws rule requires the court to apply the law of all the States concerned simultaneously. In practice, this can add up to 180-200 different national laws. Furthermore, Article 8(3) of the Regulation excludes the right of the parties to choose the applicable law to non-contractual obligations arising from the infringements of intellectual property rights

Furthermore, the conflict-of-laws rules consecrated by Article 8 do not distinguish between the different types of intellectual property rights, such as copyright, industrial property rights and different *sui generis* rights, but provide a single set of conflict-of-law rules for all of them. Nevertheless, the differences between the various intellectual property rights regarding their legal nature, creation, purpose, harmonization level are not negligible. The fundamental difference between copyright and most intellectual property rights stems from the increased

cultural role of the prior, as well as its automatic protection. Nonetheless, I consider that these differences require the separate study of copyright, taking into account its specific characteristics. Therefore, in order to carry out a thorough research, the thesis deals only with the topic of copyright in the broadest sense, *i.e.* copyright and related rights.

The three main objectives of the thesis are a detailed study of Article 8 of the Rome II Regulation in relation to copyright and related rights, outlining the challenges arising from the spread of Internet use, and the search for alternative solutions and possible *de lege ferenda* proposals. The ultimate goal of the thesis is to form a dogmatically and systematically correct picture of the conflict rule regulated in Article 8 of the Rome II Regulation, and to draw equally correct and practical conclusions.

2. Research methods and the structure of the thesis

In order to achieve the above-mentioned objectives, the thesis is based on the research of the relevant international, EU and national sources of law, the relevant case law of the Court of Justice of the European Union and some national courts, and the legal doctrine. Moreover, the research includes the comparative analysis of six soft law proposals developed by different research groups.

Due to the nature of the topic and the characteristics of copyright, the thesis places special emphasis on the comparative and historical analysis. Furthermore, due to the territorial nature of copyright, which, if interpreted strictly, prevents or at least slows down the development of the private international law of copyright, more detailed research and a thorough understanding of substantive copyright law, in particular in view of its territorial nature, was unavoidable.

The thesis is divided into three major parts, included in chapters 2-5. The various parts study the present, past and future of the principle of *lex loci protectionis* regulated by the Rome II Regulation.

Chapter 2 analyses Article 8 of the Rome II Regulation, or in other words, explores the present of the principle. A thorough understanding of the conflict rule requires a historical overview of the circumstances in which the Rome II Regulation was adopted, as well as the main features and provisions of the Regulation. The chapter then briefly presents the general rules for determining the applicable law, *i.e.* the general rule consecrated in Article 4 and the conditions of application of the provisions on freedom of choice regulated in Chapter IV of the Regulation.

Furthermore, the second chapter provides a more in-depth analysis of the conflict-of-laws rule for determining the law applicable to copyright. The analysis focuses on the Commission's justification of the necessity of the special rule and the merits of the justification, and then summarizes the features of copyright that make it unique from a private international law perspective and influence the development of an appropriate conflict rule. These features, which have also significantly influenced the research process and the structure of the thesis, can be summarized as follows:

- The principle of territoriality is one of the cornerstones of the protection of intellectual property. Strict territoriality implies that the intellectual property law of a state covers only its territory and that national protection extends only to those harmful acts which take place on the territory of that State. Therefore, one and the same work is simultaneously protected by several independent national laws, which may provide different levels of protection and different enforcement mechanisms. This has been referred to in the literature as mosaic principle or patchwork-like protection.
- The object of intellectual property protection is intangible property. The main objective of private international law is to locate the courts and legal systems that are the most closely related to the potential dispute.¹ Traditionally, in the field of classic property law, conflict-of-law law has achieved this objective by applying physical connecting factors,

¹ Anette Kur, Ulf Maunsbach, *Choice of Law and Intellectual Property*, Oslo Law Review, 2019/1, p. 43-61., 44. o. For the same reasoning see Lydia Lundstedt, *Territoriality in Intellectual Property Law*, Holmbergs, Malmö, 2016, p. 87-88, Boytha György, *Viszonosság a nemzetközi szerzői jogban*, Jogtudományi Közlöny, 1967/9, XXII. új évfolyam, pp. 538-549, p. 543.

namely the connecting rule leading to the *lex rei sitae*. However, a similar connecting factor would be inappropriate in the case of intellectual property, since the protected intellectual property is not in itself tied to an object or a specific place. Thus, theoretically it can be used by several people, in several different places at the same time.²

- The third important feature of intellectual property rights is the need to find the balance between competing private and public interest. One of the fundamental aims of intellectual property right regulations is to strike a fair balance between the exclusive right of the rightsholders and the need for public access.³ On the other hand, intellectual property regulations are also used by states as economic policy instruments to encourage or potentially inhibit trade and commerce.⁴
- The protection of copyright and related rights is created automatically in most states, without any formalities, only by the force of law, when the work is created. As a result, copyright protection with a territorial character can be considered territorial and universal at the same time, as the mosaic-like protection covers almost the whole world.

The last major topic of chapter 2 deals with the analysis of the specific conflict rule for copyright infringements regulated in Article 8, along four main issues. These issues are the definition of the concept of intellectual property, the analysis of the *lex loci protectionis* connecting factor, the outlining of the scope of Article 8 (1), and the prohibition of freedom of choice and its justification.

Chapter 3 turns to the past of the *lex loci protectionis* principle as it seeks to answer two important questions: on the one hand, was the conflict rule in Article 8 of the Rome II Regulation necessary in the light of Article 65 of the EC Treaty, and on the other hand, could the Community legislature have derogated from the conflict rule currently adopted? The answers to these questions are not only of academic significance, but they also set the

² György Boytha, *A szerzői jog és az iparjogvédelem összefüggései*, Jogtudományi Közlöny, XXIII. új évfolyam, 1968/11-12, pp. 594-602., p. 598. o. See also Endre Lontai, Gábor Faludi, Péter Gyertyánfi, Gusztáv Vékás, *Polgári jog - Szerzői jog és iparjogvédelem*, ELTE, Budapest, 2017, p. 30.

³ Kur - Maunsbach, 44-45. o.

⁴ Andre Dickinson, *The Rome II Regulation: the law applicable to non-contractual obligations*, Oxford University Press, 2010, p. 458

boundaries of a set of possible *de lege ferenda* proposals. In order to answer these questions, the third chapter is divided into three parts.

The second section of chapter 3 attempts to decipher whether territoriality is an essential characteristic of copyright. If the answer is yes, a rule based on the principle of *lex loci protectionis* could only be replaced by a conflict-of-laws rule which also takes account of the territorial nature of the law. Given the historical arguments for defending territoriality, and fully agreeing with György Boytha's statement that the essence, functions and significance of copyright can only be understood by considering its history,⁵ the second section of chapter 3 briefly reviews the history of copyright. Next, the section summarizes the main theories analysing the nature of territoriality and looks for the answer whether territoriality is an essential feature of copyright.

The third section of chapter 3 examines whether the international treaties signed and ratified by the European Union or its Member States have directly or indirectly 'forced' the Community legislator's hand to adopt the *lex loci protectionis* rule and to exclude freedom of choice. The answer to this question can lead to three possible scenarios.

According to the first scenario, international treaties binding on the European Union contain a conflict-of-laws rule or a substantive rule which directly or indirectly forces the European Union to adopt a certain conflict-of-law rule, and *the lex protectionis* rule regulated in Article 8 merely reinforces the conflict-of-laws rule found in the international conventions. In this case, although EU law respects the provisions of the relevant international treaties, Article 8 is completely unnecessary⁶ and thus, in breach of the necessity criterion enshrined in Article 65 of the EC Treaty.

According to the second scenario, international treaties do not prescribe the *lex protectionis* rule, but another conflict rule, such as the *lex originis* or the *lex fori*. This, in turn, implies that

⁵ György Boytha's mentioned opinion was cited by Péter Gyertyánfy. Ld. Péter Gyertyánfy, *Aki vetett minden széllel*, Magyar Szemle. Új folyam, XXIV. évfolyam, 2015/7-8, http://www.magyarszemle.hu/cikk/aki_vetett_minden_szellel. (2020.05.22.)

⁶ See for instance Rita Matulionytė, *Law Applicable to Copyright. A Comparison of the ALI and CLIP Proposals*, Edward Elgar, Cheltenham, United Kingdom - Northampton, MA, USA, 2011, p. 34.

EU law is in conflict with international conventions signed by the Union and its Member States.

According to the third and best-case scenario, the international treaties do not contain conflict-of-law rules, so the principle of *lex loci protectionis* enshrined in Article 8 does not infringe the Union's obligations under international law, but directly contributes to clarification of private international law⁷ and might be necessary for the proper functioning of the internal market.

Finally, the fourth section of chapter 3 examines the compliance of the conflict rule in Article 8 of the Rome II Regulation with the necessity criterion prescribed by Article 65 of the EC Treaty, seeking to determine whether the conflict rule was *stricti sensu* necessary for the proper functioning of the internal market.

In order for the uniform conflict-of-law rule to be necessary for the proper functioning of the internal market, there must be a risk of forum shopping. In order to establish the existence of this risk, the following four criteria are examined: whether jurisdiction rules in force at the moment of the adoption of the regulation permitted a choice between different national courts, whether there were significant differences between the substantive copyright laws of the Member States, and whether the proper functioning of the internal market truly required the intervention of the Community institutions.

With these in mind, the fourth section of Chapter 3 examines the relevant rules on jurisdiction, in particular the rules of the Brussels I Regulation, and briefly summarizes the relevant case law of the Court of Justice. Given that the EU case law in the field of jurisdiction

⁷ See Nerina Boschiero, *Infringement of Intellectual Property Rights. A Commentary on Article 8 of the Rome II Regulation* in Paul Volken, Andrea Bonomi [ed], *Yearbook of Private International Law, Vol. IX*, Sellier European Law Publishers, 2008, pp. 87-113, p. 94. For similar argumentation see Josef Drexl, *The Proposed Rome II Regulation: European Choice of Law in the Field of Intellectual Property*, in Drexl, Josef; Kur, Anette [szerk.], *Intellectual Property and Private International Law – Heading for the Future*, Hart Publishing, Oxford and Portland, Oregon, 2005, pp. 151-176, Axel Metzger, *Article 8: Infringement of Intellectual Property Rights*, in Uleich Magnus, Peter Mankowski, Peter [ed.], *European Commentaries on Private International Law. Volume 3 Rome II Regulation - Commentary*, Verlag Dr. Otto Schmidt, 2019, pp. 298-327, p. 300

may also have an impact on the future interpretation of the rules of applicable law, the analysis also covers the relevant case law following the adoption of the Rome II Regulation.

Next, the section examines the harmonization of the substantive copyright law of the Member States in order to summarize the main differences between the national copyright laws - since the more harmonized the national law of the States are, the less significant the conflict law is, to the extent that the application of international law would prove unnecessary in the case of unified copyright.⁸ The harmonization of copyright and related rights in the Member States takes place on two levels, *i.e.* international level and EU level. In addition to identifying the need for Article 8, this section also summarizes the main features of the harmonization of copyright law in the EU after the Rome II Regulation, as well as the EU's short- and long-term harmonization plans. The delineation of the EU copyright *acquis* is used in the assessment of the need to rethink Article 8 and will enhance the possible elaboration of the most appropriate amendments.

Moreover, the section reviews the range of conflict-of-law rules governing copyright in the Member States and concludes by answering the question whether, in the light of international conventions and the Community Treaties, it was really necessary to adopt the conflict-of-law rules prescribed by article 8 for the functioning of the internal market.

Chapter 4 analysis the future of the regulation. It therefore summarizes the main challenges that may arise from the application of Article 8 and then identifies the main proposals that seek to address the challenges arising from the incompatibility of the *lex loci protectionis* principle with the digital world. Finally, the solutions thus obtained are briefly compared with the results of two empirical studies.

The solutions proposed in Chapter 4 fall into two broad categories. The second section presents the proposals that focus on the development of a unified copyright law. The less common and currently certainly unfeasible version, is the development of a unified Internet

⁸ Marketa Trimble, *The Multiplicity of Copyright Laws on the Internet*, Fordham Intellectual Property, Media and Entertainment Law Journal, 2015/2, pp. 339-405, p. 356

law. The other somewhat more popular proposal is based on the unification or strong harmonization of the substantive copyright law at international or EU level.

The second category of proposals includes a wide range of conflict-of-law, as well as substantive law solutions affecting the private international law. These are primarily aimed at replacing, in whole or in part, the principle of *lex loci protectionis*, at least with regard to ubiquitous torts. Regarding their structure, they can be divided into three major groups.

The first group includes conflict-of-law rules which would replace or supplement the principle of *lex loci protectionis*, in order to designate the law of one or only a very few States as the applicable law(s). The second group includes the proposals which, in terms of their legal nature, can be classified as substantive rules, but which aim to reduce the number of laws designated by the conflict rule. These substantive rules usually seek to define the concept of harm or damage in such a way that it can be attributed to a single State.

The third group incorporates the complex conflict-of-law rules, which regulate not only the conditions of determining the applicable law, but the rules on jurisdiction and the recognition and enforcement of judgments. As regards the applicable law, they are not limited to regulating the non-contractual obligations stemming from the infringement of an intellectual property right, but they also deal with the other aspects of intellectual property, such as property, creation of the right, contracts, transfer, etc. Nevertheless, the thesis reviews and analyses only three of these rules, namely the general rule determining the law applicable to a non-contractual obligation arising from an infringement of an intellectual property right, the special rule on ubiquitous torts and the provisions governing the parties' freedom of choice. These complex proposals have in common that the law applicable to ubiquitous infringements is usually determined by a multi-factor conflict-of-law rule designed to find the law of the State most closely connected with the dispute.⁹

The analysed *soft law* proposals are the following:

- the American Law Institute's *Principles by American Law Institute*

⁹ Except for the a Transparency proposal

- the proposal elaborated by Kojima Ryu, Shimanami Ryo és Nagata Mari: *Transparency Proposal on Jurisdiction, Choice of Law, Recognition and Enforcement of Foreign Judgments in Intellectual Property*
- the Korea Private International Law Association's *Principles by Korean Private International Law Association* (KOPILA elvek)
- the Korea Private International Law Association's and the Japanese Waseda University's *Joint Proposal by the Members of the Private International Law Association of Korea and Japanese Waseda University Global COE Project*
- the European Max Planck Group's *Conflict of Laws in Intellectual Property*
- the International Law Association's draft *Guidelines: Intellectual Property in Private International Law*.

The last section of chapter 4 summarizes the pros and cons of the proposals listed above and then draws attention to new challenges revealed by two empirical studies examining the frequency of application of private international law rules by national courts in copyright cases.

3. The results of the research

According to the plan outlined above, the chapters of the thesis examined the “present,” “past,” and “future” of the conflict-of-law rule enshrined in Article 8 of the Rome II Regulation. The most important conclusions drawn from the the research are summarized below.

3.1. The main conclusions of chapter 2

The adoption of Article 8 of the Rome II Regulation was not preceded by detailed research and the choice of the conflict rule was not properly sustained and justified. The Commission appears to have incorporated the solution into Article 8 of the Regulation, based solely on the proposal of the Hamburg Group, and with the main purpose of maintaining the principle of the *lex loci protectionis*, which, according to the Commission, is a generally recognized principle.

The seemingly modern secondary source of law, is obsolete and inappropriate in several respects with regard to the conflict-of-laws rule applicable to intellectual property rights. The main disadvantages of the conflict-of-laws rule, which strictly adheres to the principle of territoriality, become apparent in the case of infringements of copyright which extend to the territory of several States or are ubiquitous. The possibility of the mosaic-like application of roughly 180 different national laws makes the outcome of the dispute unpredictable, the procedure itself costly and time-consuming, and does not preclude conflicting decisions. A total restriction on the parties' freedom of choice of the applicable law is unjustified in the context of modern private international law and makes the already rigid conflict rule even more inflexible.

3.2. The main conclusions of chapter 3

The adoption of Article 8 does not infringe the international copyright treaties concluded by the EU and the Member States. The treaties do not appear to contain any conflict-of-law or substantive rules which would directly or indirectly oblige the EU legislator to adopt a particular conflict-of-law rule. Furthermore, the substantive provisions of the international treaties on intellectual property law do not address, or at least not in a targeted way, the private international law issues determining the law applicable to infringements of intellectual property rights and have no or only a very limited impact on conflict of laws.

Similarly, Article 5(1) of the Berne Convention, which governs national treatment, cannot be regarded as a unilateral conflict-of-laws rule, but as a substantive law rule belonging to the law of aliens. Its main purpose is to create a level playing field for authors of foreign works, once the conflict rule has designated the law of that state as the applicable law.¹⁰ Consequently, the Community legislator did not infringe its obligations under the international law by adopting Article 8 of the Rome II Regulation.

¹⁰ See Richar Fentiman, *Choice of Law and Intellectual Property*, in Josef Drexl, Anette Kur [ed.], *Intellectual Property and Private International Law – Heading for the Future*, Hart Publishing, Oxford and Portland, Oregon, 2005, pp. 129-148., pp. 134-135, Mireille van Eechoud, *Choice of Law in Copyright and Related Rights*, <https://www.ivir.nl/publicaties/download/970.pdf>, (2020.03.09.), p. 107. André Lucas, *Private International Law Aspects of the Protection of Works and of the Subject Matter of Related Rights Transmitted over Digital Networks*, (2020.03.09.), p. 2-3.

It is not clear from the research whether the adoption of Article 8 of the Rome II Regulation was truly necessary according to the conditions set out in Article 65 of the EC Treaty, *i.e.* that the adoption of the conflict rule was necessary for the proper functioning of the internal market. Nevertheless, the commentators agree almost unanimously that Article 8 makes a significant contribution to the development of modern private international law of intellectual property.

However, it is clear from the analysis that the harmonization of copyright in the Member States of the European Union does not allow private international law to be completely disregarded, even in disputes, which extend only to the territory of the Union. And the principle of universal application of the Regulation only confirms this conclusion.

Furthermore, it can be argued that territoriality is not an essential feature of copyright. This conclusion is generally obvious in the case of automatically protected intellectual property rights, such as copyrights, which are created without any registration procedure in all the states that are bound directly or indirectly by the provisions of the Berne Convention and the TRIPS Agreement.

Nevertheless, it can be concluded from the case law and the existing *de lege ferenda* proposals that neither the states, nor the European Union have yet renounced the territorial nature of copyright, but at most they limit its strict application. This can be explained by the fact that the territorial nature of copyright allows the states to preserve and assert their own cultural and economic policy interests. For this reason, only those proposals can be considered feasible, which seek to preserve the territorial nature of copyright and avoid the total harmonization of the substantive copyright law.

[3.3. The main conclusions of chapter 4](#)

The private international law solutions to determine the law applicable to a non-contractual obligation arising from a ubiquitous infringement of a copyright can fall into two main categories.

The first group contains simple conflict-of-law rules, which seek to replace or supplement the *lex loci protectionis* principle with a single conflict-of-laws rule designating the law of a single State or only a few States' law as the applicable law. This category also includes those substantive law rules, which seek to link a multi-state or a ubiquitous infringement to a single State. The solutions of this category are usually simple and indicate the applicable law more predictably than the *lex loci protectionis* principle. However, their main disadvantage is that in most cases the interests of one of the parties are unilaterally asserted.

The second group includes the complex multi-factor conflict rules. The flexibility of the multi-factor connecting principles allows the courts to make fair and equitable decisions in the individual cases. Nevertheless, it has the disadvantage of being highly intricate. In many cases, the complexity of the rules makes the designation of the applicable law unpredictable to the parties and thus, the outcome of the dispute unpredictable, as well. To alleviate the disadvantages of the latter proposals, the authors of the proposals recommend aligning these conflict rules with the rules of jurisdiction and enforcement.

Notwithstanding, the results of the two empirical studies show that not even the development of the perfect conflict-of-law rules would solve the problems arising from the use of copyright in the digital environment, as the parties usually do not seek redress for the damages arising from multi-state infringements, but rather limit their claims to the infringements and courts of their own State. Moreover, in the vast majority of cases, courts usually disregard the private international law aspects of disputes and implicitly apply forum law.

[3.4. The main conclusions of chapter 5](#)

In the light of the above conclusions, it can be argued that the reform of the conflict rule enshrined in Article 8 of the Rome II Regulation in such a manner that the determination of the law applicable to non-contractual obligations arising from ubiquitous infringement of copyright meets the criteria of predictability, cost-effectiveness and legal certainty established by the Regulation can only be achieved by aligning it with the relevant rules on jurisdiction and enforcement of judgments.

However, the two empirical studies also highlight the deficit of studies that assess and interpret the national case-law and provide the necessary and proper information for the development of legal solutions in the field of the private international law of copyright. In the absence of this type of quantitative and qualitative research, it is impossible to develop appropriate standards of private international law, as proposals made on a purely theoretical level often do not attribute relevance to the problems that are most commonly encountered in practice.

Nevertheless, it can be said that there is a tendency in searching for a flexible but simple solution to create a conflict-of-law rule for determining the law applicable to non-contractual obligations arising from infringement of copyright on the internet. Based on my research, I believe that there are two possible versions of this in the EU private international law.

The first type of solutions implies the localization of the ubiquitous copyright infringements on the territory of a single State, so that the application of the principle of *lex loci protectionis* results in the application of the law of only one State. Based on the review of the relevant EU law, we can conclude that this place would most likely be the place of origin of the harmful act. Its main advantage is its simplicity, and its main disadvantage is that in many cases it is difficult or even impossible to locate the place of origin of the harmful act.

The second type of solutions supplements Article 8 with a multi-factor connecting rule for ubiquitous infringements. Unfortunately though, this latter solution would make regulation inherently complicated. Therefore, first of all it would be worth examining whether the general rule prescribed by Article 4 could be applied for this purpose. I believe that if the EU legislator was searching a solution in this direction, applying the general rule of the Rome II Regulation as a special rule for ubiquitous infringement of copyright would probably be one of the least bad options. I argue this, on the one hand, based on the fact that the courts of the Member States have already had the occasion to become acquainted with and use the provisions of Article 4, and thus perhaps its complexity is less deterrent. On the other hand, it is worth noting that the connecting factors in Article 4 do not differ significantly from the connecting factors elaborated by the above presented six soft law proposals.

Lastly, but all the more convinced, I believe that a possible reform of Article 8 of the Rome II Regulation is inconceivable without a relaxation of strict territoriality and the total ban on freedom of choice.

5. Publications of the author

- *Bevezetés a szellemi alkotások jogába*, In: Vallasek Magdolna, Kokoly Zsolt, Kis Réka, *Román szerzői jog*, Forum Iuris, Kolozsvár, 2019, 3-21. o.
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- *Szerzői jog az Európai Unióban*, In: Vallasek Magdolna, Kokoly Zsolt, Kis Réka, *Román szerzői jog*, Forum Iuris, Kolozsvár, 2019, 119-154. o.
- *Decizia CJJ din 27 iunie 1986, Cauza privind activitățile militare și paramilitare în Nicaragua și împotriva acesteia (Nicaragua c. Statele Unite ale Americii)*, In: Fábíán Gyula; Dănilă, Gabriela; Kis Réka; Lészai Orsolya; Păcuraru Cantemir, *Hotărâri importante din jurisprudența Curții Internaționale de Justiție*, Hamangiu, Bukarest, 2019, 157-258. o.
- *Decizia CJJ din 16 aprilie 2013, Diferend frontalier (Burkina Faso c. Niger)*, In: Fábíán Gyula; Dănilă, Gabriela; Kis Réka; Lészai Orsolya; Păcuraru Cantemir, *Hotărâri importante din jurisprudența Curții Internaționale de Justiție*, Hamangiu, Bukarest, 2019, 461-502. o.
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- Alexandru-Virgil Voicu, Kis Réka: *Arguments for Promoting the Right to Practice Sports as a Fundamental Right*, *New Prospects of Sport Law*, YR Publishing CO, Seoul, Korea, 2013, 275-291. o.

- Alexandru-Virgil Voicu, Kis Réka: *O introducere în dreptul afacerilor sportive din România / A sport üzleti joga*, *Acta Universitatis Sapientiae - The International Scientific Journal of Sapientia Hungarian University of Transylvania. Scientia Iuris*, 2013/1-2, 6-11 o.

- Alexandru-Virgil Voicu, Kis Réka: *Arguments for Promoting the Right to Practice Sports as a Fundamental Right*, In: *Efficiency of Legal Norms* konferenciakötet, Hamangiu kiadó, Bukarest, 2012, 417-427. o;

- Alexandru Virgil Voicu, Kis Réka: *A házasságon kívüli együttélés elmaradt szabályozása az új Polgári törvénykönyvben*, *Scientia Iuris Román-Magyar Jogtudományi Közlöny* 2012/1-2, 24-36 o;

- Alexandru-Virgil Voicu, Kis Réka: *The Civil Liability of Teachers and Trainers for the Acts of the Under-Age Sportsmen*, from the Perspective of the New Civil Code of Romania, *The International Sports Law Journal* 2011/3-4, Hága, 2011

- Alexandru-Virgil Voicu, Kis Réka: *Problematika răspunderii civile delictuale cu privire la răspunderea cadrului didactic și antrenor pentru faptele comise de sportivul minor din perspectiva aplicabilității prevederilor Noului Cod Civil România*, *Studia Universitas Babes-Bolyai*, vol. 4/2019, p. 147-153.