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City University Distinguished Lecture Series

Speaker

Professor Thomas Wilhelmsson
Chancellor, University of Helsinki



Unfair Contract Terms – Variations and Harmonies

on

Tuesday, 13 October 2015 at 4:30 pm

at

Connie Fan Multi-media Conference Room
4/F Cheng Yick-chi Building
City University of Hong Kong
Tat Chee Avenue, Kowloon

Abstract

Regulating unfair contract terms is a key issue in contract law. It reflects the normative background philosophy of the private law order. Internationally one can distinguish four regulative approaches: (1) no general rule against unfair terms, (2) unfair terms regulation relating to standard form contracts, (3) unfair terms regulation protecting consumers, and (4) a general rule against unfair terms.

All these models have traditionally been in use within the European Union (EU). The European Directive on unfair contract terms attempts to combine them with irritating and partially even unexpected effects on national laws. However, the Directive has increased the transparency of the European system.

A useful role for a principle of fairness is nowadays recognized even for business-to-business agreements in a European and global context. Arbitrators certainly look at the reasonableness of the outcome, even though the reasoning often is dressed in a more formalist language. Again, an express fairness reasoning might more transparently address the issues at hand.

Biography

Professor Thomas Wilhelmsson is the Chancellor of the University of Helsinki. Before his appointment as Chancellor he was Rector and before that Vice-Rector in charge of international and bilingual affairs for ten years.

Professor Wilhelmsson has held the post of Professor of Civil and Commercial Law in the Faculty of Law since 1981. Earlier, he was Counsellor of Legislation at the Ministry of Justice from 1979 to 1981. Professor Wilhelmsson has also held the post of Deputy Director of the Centre of Excellence “Foundations of European Law and Polity” and has led a doctoral programme of the Faculty of Law.

In his research, Professor Wilhelmsson has focused on contract law, tort law and European Union (EU) law. He has chaired various Finnish committees preparing new legislation and has worked as a member of committees preparing EU legislation.

Professor Wilhelmsson graduated from the University of Helsinki as a Master of Laws in 1971, a Licentiate of Laws in 1973 and a Doctor of Laws in 1980.

Professor Wilhelmsson has introduced the paradigm of social civil law, which stresses the close relationship between law and morality, in Finnish legal discourse and has been one of the key figures associated with this paradigm in European legal discourse.

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Distinguished Lecture Series

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