

# Publications

## Dr Brooke Marshall

### *Books*

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[\*Asymmetric Jurisdiction Clauses\*](#) (Oxford University Press, 2023)

Reviewed in:

- [\[2025\] LMCLQ 387](#)
- (2024) 44 *Praxis des internationalen Privat- und Verfahrensrechts (IPRax)* 426
- [\(2023\) 9 UNSW Law Journal Forum 1](#)
- [\(2023\) 2 ICC Dispute Resolution Bulletin 87](#)

Prizes:

- 2025 [Inner Temple New Authors' Book Prize](#) – Winner
- 2024 ANZSIL Book Prize category – Honourable Mention

### *Edited and co-authored books*

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[\*The Hague Convention on Choice of Court Agreements: A Commentary\*](#) (Elgar Commentaries in Private International Law, 2025) (with G Cuniberti and L E Teitz)

[\*Choice of Law in International Commercial Contracts: Global Perspectives on the Hague Principles\*](#) (Regional Editor with D Girsberger, T Kadner Graziano, and J L. Neels as Managing Editors) (Oxford University Press, 2021)

Reviewed in:

- [\(2021\) Netherlands International Law Review 501](#)
- [\(2022\) 22\(1\) Internationales Handelsrecht 43](#)
- (2022) 37(2) *Banking and Finance Law Review* 391

### *Journal articles*

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['Asymmetric Jurisdiction Clauses and the Anomaly Created by Article 31\(2\) of the Brussels I Recast Regulation'](#)

(2022) 71 *International and Comparative Law Quarterly* 297-321 (double-blind peer reviewed)

['The Hague Choice of Law Principles, CISG and PICC: A Hard Look at a Choice of Soft Law'](#)

(2018) 66 *American Journal of Comparative Law* 175-217 (double-blind peer reviewed)

['Australia's Accession to the Hague Convention on Choice of Court Agreements'](#)

(2017) 41 *Melbourne University Law Review* 246-283 (with Mary Keyes) (double-blind peer reviewed)

['Jurisdiction Agreements: Exclusive, Optional and Asymmetrical'](#)

(2015) 11(3) *Journal of Private International Law* 345-378 (with Mary Keyes) (double-blind peer reviewed)

['Party Autonomy and its Limits: Convergence through the New Hague Principles on Choice of Law in International Commercial Contracts'](#)

(2014) 39(3) *Brooklyn Journal of International Law* 975-1003 (with Marta Pertegás)

['Intra-regional Reform in East Asia and the New Hague Principles on Choice of Law in International Commercial Contracts'](#)

(2014) 20(1) *Korea Private International Law Association Journal* 391-428 (with Marta Pertegás)

[‘Reconsidering the Proper Law of the Contract’](#)

(2012) 13(1) *Melbourne Journal of International Law* 505-539 (double-blind peer reviewed)

*Case notes*

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[‘Dernier état de la jurisprudence sur les clauses attributives de juridiction asymétriques’](#)

(Cass. Civ. 1ère 28 septembre 2022, n° 21-13.686) (2023)(3) *Revue critique de droit international privé* 527, 644-657

[‘Imbalanced Jurisdiction Clauses under the Lugano Convention’](#) (Cass. civ., 1ère 25 mars 2015, n°13-27264) [2016] *Zeitschrift für Europäisches Privatrecht* 515-527

*Book chapters*

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[‘Article 6: Obligations of a Court not Chosen’](#), in G Cuniberti, B Marshall and L E Teitz, *The Hague Convention on Choice of Court Agreements: A Commentary* (Elgar Commentaries in Private International Law, 2025) (with P Mankowski)

[‘Article 10: Preliminary Questions’](#), in G Cuniberti, B Marshall and L E Teitz, *The Hague Convention on Choice of Court Agreements: A Commentary* (Elgar Commentaries in Private International Law, 2025)

[‘Article 13: Documents to be Produced’](#), in G Cuniberti, B Marshall and L E Teitz, *The Hague Convention on Choice of Court Agreements: A Commentary* (Elgar Commentaries in Private International Law, 2025)

[‘Article 17: Contracts of Insurance and Reinsurance’](#), in G Cuniberti, B Marshall and L E Teitz, *The Hague Convention on Choice of Court Agreements: A Commentary* (Elgar Commentaries in Private International Law, 2025)

[‘Article 18: No Legalisation’](#), in G Cuniberti, B Marshall and L E Teitz, *The Hague Convention on Choice of Court Agreements: A Commentary* (Elgar Commentaries in Private International Law, 2025)

[‘Taking of Evidence’](#), in Paul Beaumont and Jayne Holliday (eds), *A Guide to Global Private International Law* (Hart Publishing 2022) 175 (with Nadia de Araujo) (peer reviewed)

[‘Australia: Australian Perspectives on the Hague Principles’](#), in D Girsberger and others, *Choice of Law in International Commercial Contracts: Global Perspectives on the Hague Principles* (Oxford University Press, 2021)

[‘Australia: Inconsistencies in the Treatment of Optional Choice of Court Agreements’](#), in M Keyes (ed), *Optional Choice of Court Agreements in Private International Law* (Springer, Ius Comparatum – Global Studies in Comparative Law, 2020)

[‘The 2005 Hague Convention: A Panacea for Non-Exclusive and Asymmetric Jurisdiction Agreements Too?’](#), in M Douglas, V Bath, A Dickinson, and M Keyes (eds), *Commercial Issues in Private International Law: A Common Law Perspective* (Hart Publishing, 2019) 91 (peer reviewed)

Honourable Mention, 2020 Australian Legal Research Awards, Article/Chapter (ECR) Award category

*Academic translations*

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[Institute of International Law - Commission no. 4, Human Rights and Private International Law](#), Working document of Rapporteur, Jürgen Basedow, no. 9 (January 2017), ‘Draft Resolution’, translated from French: Institut de droit international – Commission no. 4, *Droits de l’homme et droit international privé*, Document de travail du Rapporteur Jürgen Basedow, no. 9 (janvier 2017), ‘Avant-Projet de Résolution’

Working Paper on Facilitating Circular Migration, Private International Law and Sustainable Migration Project Group (with H van Loon, V Ruiz Abou-Nigm and others) (forthcoming)

[Report of the Members' Consultative Committee to the EAPIL Working Group on Reforming the Brussels Ibis Regulation](#) (September 2022)

[Submission to the Commonwealth Attorney-General's Department: Submission on the United Nations Convention on International Settlement Agreements Resulting from Mediation](#) (2020) (with M Keyes, M Douglas, and S McKibbin)

[Submission to the Joint Standing Committee on Treaties: Inquiry on Australia's Accession to the Hague Convention on Choice of Court Agreements](#) (April 2016) (with M Keyes)

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*Book reviews*

['Discretion Meets Due Process in International Commercial Arbitration'](#) (Review of *Due Process as a Limit to Discretion in International Commercial Arbitration* edited by Franco Ferrari, Friedrich Rosenfeld, Dietmar Czernich) [2022] ICC Dispute Resolution Bulletin (with W Doralt) 78

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*Blog posts, substantive social media posts, and podcasts*

['Cabris Investment: Has the CJEU Forgotten About the Hague Convention?' \(with G Cuniberti and L E Teitz, \*EAPIL blog\*, 23 October 2025\)](#)

['CJEU on Substantive Validity and on Asymmetric Clauses: What We Now Know, and What We \(Still\) Don't. A Guest Post by Brooke Marshall.'](#) (*Gave Law*, 7 March 2025)

['Episode 4: Asymmetric Jurisdiction Clauses'](#) (*Conflicts, Contracts and Cake*, 14 August 2024)

['LLC EuroChem North-West 2 v Societe Generale SA & Ors \[2024\] EWHC 1084 \(Comm\)'](#) (*LinkedIn*, 10 May 2024)

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*Presentations (recent)*

**The Hague Conference on Private International Law**, 'The Manifest Injustice and Public Policy Exception in Article 6: Novel, Misconceived or Unremarkable?' (The Hague, 11 December 2025)

**Australasian Association of Private International Law**, 'Approaching a Global Framework for the Private International Law of Employment – Principles and Practices in Australia' (Brisbane, 1 April 2025)

**University of Oxford, Characterisation in the Conflict of Laws Conference**, 'The Intersection of Jurisdiction and Choice of Law' (Oxford, 20 March 2025) (with R Banu)

Cited in Law Commission, [Digital Assets and \(Electronic\) Trade Documents in Private International Law including Section 72 of the Bills of Exchange Act 1882](#) (Consultation Paper, 5 June 2025) 108

**International Law Association (Australian Branch) and UNSW Sydney**, Early Career Seminar on Private International Law, Commentator (Sydney, 17 August 2023)

**UNSW Sydney**, 'Asymmetric Jurisdiction Clauses', [Book Launch \(Sydney, 5 July 2023\)](#)

**University of Oxford**, ‘Comparative and Interdisciplinary Perspectives on Doctrinal Questions: from Agreements to Conflict of Laws “and” ...’ (St Edmund Hall, Oxford, 15 May 2023)

**International Chamber of Commerce**, ICC Institute Jurisprudential Debate ‘Asymmetric Jurisdiction Clauses – Developments before the French Cour de cassation’ (Paris, 8 December 2022)

**University of Oxford**, Conflict of Laws Discussion Group, ‘Asymmetric jurisdiction agreements – Où sommes-nous ?’ (St Catherine’s College, Oxford, 2 December 2022)

**Université Paris 1 Panthéon-Sorbonne, Centre de recherche de droit international privé et du commerce international (CRDI), Université Paris Panthéon-Assas et Sorbonne Étude des Relations Privées Internationales (SERPI)**, [Conférence en Salle 102, ‘Clauses attributives de juridiction asymétriques : quo vadis ?’](#) (Paris, 18 October 2022)

**Max Planck Institute**, Conflicts Reading Group, ‘Perspectives from Law & Economics on Party Autonomy in Jurisdiction’ (Hamburg, Germany, 23 August 2022)

**Institute of European and Comparative Law (IECL)**, Lunchtime Seminar Series, ‘The Substantive Validity of Jurisdiction Agreements – a Question of their ‘Nature?’’ (IECL, Oxford, 11 October 2022)

**ICC Institute of World Business Law**, Annual Conference: Rethinking the Paradigms of International Arbitration, ‘Enforceability and Effects of Asymmetric Jurisdiction Clauses’ (Paris, 29 November 2021)

**University of Lucerne**, *Choice of Law in International Commercial Contracts* Launch, ‘*Epic Games, Inc v Apple Inc* [2021] FCA 338: A Role for Art 11(1) of the Hague Principles’, (online from Sydney, Australia to Lucerne, Switzerland, 4 May 2021)

**University of New South Wales Law School**, Law and Economics Group, ‘Economic Efficiency and *ex ante* Forum Selection’ (Sydney, Australia, 7 November 2019)

**Ludwig Maximilian University Munich**, 8<sup>th</sup> **Journal of Private International Law Conference**, ‘Justifications for Party Autonomy in the Context of Exclusive Jurisdiction Agreements’ (Munich, Germany, 12 September 2019)

**East China University of Political Science and Law**, ‘Reforming Contract Choice of Law in Australia’ (Shanghai, People’s Republic of China, 17-18 July 2019)

**Faculty of Law, University of Hamburg**, ‘Asymmetric Jurisdiction Clauses’ (Hamburg, Germany, 24 April 2019)

**Max Planck Institute for Comparative and International Private Law**, ‘*Asymmetrische Gerichtsstandsvereinbarungen und prozessuale Grundrechte*’ (Hamburg, Germany, 9 November 2018)