

## PRESIDENT'S MESSAGE

Dear ASA Members,

The most remarkable event in this year's life of our Association has been the **Conference of 18/19 November** on the topics of objective arbitrability, the impact of mandatory rules of law such as competition laws and the arbitrability of intellectual property disputes. This Bulletin contains a more detailed note on the Conference. The topics discussed are connected right to the centre of the discussions which at this moment in time (when dictating this *Message*) are taking place on the level of the GATT Uruguay Round.

- The progressing globalization of the markets requires new reflections on the scope and reach of **objective arbitrability**.
- The progressing proliferation of the basic notions of **competition laws** (as they had been developed under Articles 85/86 of the Treaty of Rome as well as under the much earlier US-antitrust legislation) into Asiatic- and Eastern-European countries and CIS Republics requires us to make new reflections on their relevance, impact and applicability as an emerging transnational legal order which may have to be seriously considered over and above (and beyond the limits) of a purely national legal system which the parties may have chosen as the law governing their contract.
- Furthermore, in a scenario where technology is migrating faster than ever from industrialized countries to lower cost production areas and backwards, and where products are marketed on a world-wide basis, the **protection of intellectual property rights** has become one of the most significant concerns and aspects requiring new tools and new conceptions on a transnational level.

The evolution of the laws has always been a slow mechanism stepping behind the more rapid changes on the level of world-wide commerce and trade, but we will have to do the utmost to keep pace and to find new orientations by harmonizing more and more national laws and perceptions with the global perceptions and needs of world-wide commerce and trade.

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May I, after this broad perspective, completely change the subject and focus back to our Association? As you know, our long-standing Secretary, **Mme Mireille Tissot**, will step down from her function by the end of this year, and the ASA Secretariat will be relocated. This is the time to once again thank Mme Tissot for the magnificent job she has been doing for us during many years, for her reliability, for the circumspection with which she had attended to the daily matters of our Association. We are wishing her much success and much satisfaction in the position assigned to her within the Swiss Banking Association.

A further announcement on matters of our Association: Please diarize these forthcoming events:

- The next Ordinary General Assembly of our Association will take place **on Friday, 17 June 1994**. We intend to hold this Assembly **in Basle**.

We have not as yet fixed the topic for focusing our discussions, and we are open for your suggestions.

- Our next larger Conference will thereafter take place on Friday, 20 January 1995, again in Zurich, in the format of a full day conference with a Cocktail Reception on Thursday, 19 January 1995.

[The date previously indicated for this Conference had been the Friday of 25 November 1994. Please cancel that entry in your calendar. We felt that the months November/December are generally over-loaded with many conferences, whereas only a very few are scheduled for January].

We have not as yet considered the specific topics for this event; all your suggestions are very welcome.

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I hope that the present Bulletin will come to you right in time before Christmas, and if these last working-days of the current year had been hectic, I would hope that you will find some rest, some time for reflection, some time for listening to the voices of your own needs and feelings as well as to those of your family, your children, your friends. While during the entire year the client might come first more often than not, while responsibilities assumed may dictate your calendar, this is the time now where you are the most important person, and those close to you.

In this sense I am wishing you a good Christmas and a good start in 1994.

Marc Blessing