ciberataques", en la que expone los aspectos críticos de la acción sancionadora de la Unión Europea y los ciberataques, aportando ciertas propuestas de mejora. Antonio Sánchez Ortega nos deleita con un estudio sobre la aplicación de la soberanía estatal al ciberespacio y defiende el tradicional entendimiento de la misma, pese a los cambios ocurridos en la sociedad internacional, pues el sistema internacional mantiene su estructura básica y se ha resistido a las fuerzas estructurales que han tratado de alterarlo hacia un modelo jerárquico.

El Estado de derecho y su defensa por la UE ha sido una de las últimas debilidades del homenajeado. Uno de sus primeros discípulos, Manuel López Escudero, nos presenta un excelente trabajo sobre La protección del valor Estado de derecho en la jurisprudencia del Tribunal de Justicia de la Unión Europea. El profesor López Escudero es un profundo conocedor de esa cuestión y su análisis de la jurisprudencia del Tribunal de Justicia es excelente. Lucas J. Ruiz Díaz presenta una contribución sobre los límites del Estado de derecho en el espacio de libertad seguridad y justicia en el que crítica, especialmente, las actividades desempeñadas por las agencias, dotadas de fuertes funciones y competencias, pero cuyas actividades no siempre cohonestan bien con el respeto a los derechos y libertades fundamentales.

Por lo que se refiere a los derechos humanos, eterna preocupación del profesor Liñan, José Rafael Marín Aís presenta un estudio muy interesante sobre la dificultad de la Unión Europea para contribuir a mejorar la protección de los derechos humanos fuera de la Unión. El profesor Marín estudia muy bien los diversos instrumentos jurídicos que la Unión Europea ha ido utilizando a lo largo del tiempo siendo, sin embargo, crítico con los resultados. La ciudadanía europea también tuvo su atractivo para el profesor Liñán. Valeria di Comité nos presenta un estudio sobre ciudadanía europea y derecho de circulación de los estudiantes y denuncia la fragilidad del estatuto que les cobija, reclamando más tiempo y esfuerzo para el espacio europeo de la educación.

En fin, un excelente homenaje del grupo de Granada al maestro. Como ellos saben, la UAM siempre se sintió especialmente cerca de ese grupo. Por tanto, enhorabuena a todos.

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De Miguel Asensio, Pedro, *Conflict of Laws and the Internet*, Edward Elgar Publishing, 2024, 2nd edition, 560 pp.

With the second edition of his "Conflict of Laws and the Internet", Pedro de Miguel Asensio provides a compelling and insightful exploration of the complex interplay between private international law (PIL) and the digital landscape. The author analyzes the legal areas where this intersection has raised the most controversy and uncertainty (including digital services, data protection, intellectual property, competition law, and contracts). As a reader, one is eventually reassured that, despite the constant legal challenges posed by Internet activity, the legal subject of PIL is aptly equipped to play its part in the Internet regulatory framework. Thanks to a comprehensive and rigorous analysis of the interface between Internet law and PIL, this book will equally appeal to the experts in both

disciplines, as well as to scholars and practitioners looking for the state of the law in a myriad of specialist topics.

The book is organized into an introductory chapter on the "Foundations" of this interface and five thematic chapters, focusing on the abovementioned legal areas. While there is a common structure for each chapter (i.e., a description of the substantive regulation with particular attention to the private enforcement aspects, followed by an analysis of the three central PIL questions on jurisdiction, applicable law and recognition and enforcement of judgments), the thematic division is useful for experts in a particular Internet-related legal field, such as data protection or intellectual property. The book's structure, combined with a helpful index will certainly facilitate the book's use by practitioners and scholars in search of detailed knowledge about a specific theme. In contrast, it is interesting to note that there is no concluding chapter, where the author could have developed his overall assessment of the operation of PIL in digital settings. This is perhaps inherent to the rapidly evolving Internet context, the wide diversity of topics under review, or the emerging, and often conflicting, substantive regulations that legal systems worldwide develop to regulate Internet activity. In essence, the book is more of a comprehensive handbook on Internet-related PIL than a prospective consideration of how this rapidly evolving area of the law should be.

In the introductory chapter on the two basic components of the analysis —PIL and Internet regulation—, two elements are of particular note. The first one is the clear and concise description of the three sub-areas within private international law as traditionally understood in civil law jurisdictions: the rules on international jurisdiction, followed by the rules on applicable law, and lastly the rules on recognition and enforcement of foreign judgments. This foundational description provides helpful guidance for the non-initiated PIL reader. It maps the relevant legal sources and specific provisions as part of the legal ordering of Internet-related activities. The second interesting element is the preference for the common law's more habitual name of the legal discipline under review: "conflict of laws" instead of "private international law". However, both terms are used interchangeably (see para 1.18) and emphasis is put on the functional goal of the rules under study as those that enhance international legal cooperation —or at least coordination— with regard to cross-border online relationships.

Chapter 2 is about "Digital Services, Internal Market and Content Liability". It provides a clear overview of how PIL interacts in support of the main instruments governing electronic commerce and the provision of digital services. The focus is on the EU legal framework: there are detailed developments about the key elements of this legal framework, such as the internal market clause or country-of-origin principle in primary EU law. Furthermore, the most relevant aspects of the applicable EU substantive instruments are carefully selected and explained. For instance, this chapter explores the scope of application of the E-Commerce Directive or the Digital Services Act, the subject-specific instruments on *inter alia* audiovisual services or product safety, and the intermediary liability scheme. Though the focus is on EU legislation, there are some comparative incursions into the legislation of the US (in particular, the US Digital Millennium Copyright Act) with regard to the liability of intermediaries. Two central observations emerge from this analysis: first, the substantive instruments on digital services and content liability have a limited PIL significance. Conversely, EU primary law is essential in the operation of the rules on conflict of laws.

Hence, this chapter accurately describes the role of EU primary law in the operation of PIL, before turning to the secondary legislation and its specific PIL rules applicable to digital services and online content (para. 2.77) and Internet torts (Section V of Chapter 2). Finally, two specific aspects of Chapter 2 deserve attention: first, the tailormade approach to conflict of laws from an internal market perspective, in particular by the localization of an establishment in the EU to determine the applicability of EU legislation such as the e-commerce directive or the geoblocking directive. Second, the controversial issue of the (extra)territorial scope of orders against illegal content requires a separate sub-section. The author emphasizes that there is need for international jurisdiction as a prerequisite for an extraterritorial order. This is, however, not sufficient as there is room for the judicial appreciation of what is "strictly necessary to achieve its objective" (Article 9(2) of the DSA). One of the strengths of De Miguel Asensio's work comes here to the fore: the author includes helpful illustrations of domestic case law from several jurisdictions to make clear that different results —ranging from a domestic to a worldwide order— may be expected.

Chapter 3 delves into another legal domain where the EU has gained a notorious reputation for its regulatory frameworks: the protection of natural persons in relation to their personal data, and personality rights including defamation. With regards to the former, the chapter's structure yields excellent results in clarifying the interaction between the GDPR and other specific data protection instruments, on the one hand, and the general PIL instruments, such as the Brussels I Regulation or the Rome II Regulation, on the other. This confluence of two specialisms is not without difficulties. PIL and data protection law need to be articulated. The author, with command of both fields and references to the best-specialized literature in this niche area, succeeds in bridging the gap between these two areas. The chapter's structure is well articulated, starting with a concise summary of a vast data protection legal framework and particular focus on its potential PIL pitfalls, including collective redress or the search for the relevant applicable law in the context of data protection private enforcement. Here again, the excellent analysis is supported by reference to the latest CJEU case law and doctrine. With regard to personality rights including defamation, a topical introduction (by reference, for instance, to SLAPPs as one current challenge)[1] is illustrative of the societal relevance of this area. Against that framework, international jurisdiction and applicable law issues relating to personality rights are analysed by reference to the relevant instruments, with attention to the absence of EU uniform applicable law rules on defamation. Some consideration is given to "future perspectives" (para. 3.199 *et seq.*) by reference to a wide range of proposed solutions and some comparative insights. Here the author offers some bolder reflections about how "unrealistic" the prospects of "deterritorialized" laws are, detached from the domestic laws that are applicable under the relevant choice of law rule. As to the review and potential inclusion of a uniform EU connecting factor, the author sees merit in the place where the damage occurs, possibly as an option given to the victim and subject to a foreseeability requirement (para. 3.205). He rightly underscores that forum law, that is, the

[1] A Strategic Lawsuit Against Public Participation. In the EU, Directive (EU) 2024/1069 on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings was adopted in April 2024, OJ L2024/1069.

local law of the relevant jurisdiction, may claim priority as well, for example, using the application of the public policy exception. A common part on recognition and enforcement of foreign judgments concludes the chapter.

As an acclaimed expert on the interface between PIL and intellectual property (IP) rights,[2] De Miguel Asensio devotes the next two chapters to international IP law. Internet-related intellectual property law matters are not addressed monolithically. Instead, Chapter 4 is on Copyright and Related Rights, while Chapter 5 focuses on Industrial Property Rights and, importantly, Competition law.

On Internet-related copyright disputes, the legal challenges are multiple and the author's introductory description of the multilayered legal framework is commendable. The author underscores that IP multilateral treaties, and in particular the Berne Convention, have limited relevance on the operation of PIL and, as such, he turns to scholarly initiatives that have cast light on the uneasy interface of international copyright litigation and PIL (para. 4.18). Thereafter, the chapter focuses on the regional EU level: despite the many secondary law instruments relating to copyright and related rights, the result is only "partial and fragmentary harmonization within the EU" (para. 4.26). If, one day, the EU were to pave the way for a unitary copyright title, PIL reform should be part of this law reform exercise (para. 4.45). In turn, the second part of this chapter focuses on a dogmatic examination of the current PIL rules in the PIL branches: jurisdiction, applicable law, and recognition and enforcement of foreign judgments. This is a task of considerable magnitude given the amount of technical case law and commentaries from different jurisdictions. De Miguel Asensio's presentation of the practical operation of the relevant EU rules shows the difficulties courts face when interpreting jurisdiction and applicable law rules that were not drafted for the specific Internet context. Despite all challenges, De Miguel Asensio is content with the "significant guidance" the CJEU caselaw provides on key connecting factors, such as the location of the place of the event giving rise to the damage in Internet-related copyright infringements (para. 4.67). In turn, the location of the place of damage must necessarily take into account the territorial nature of the concerned right (para. 4.80). Moving to questions on applicable law, the starting point must be the *lex loci protectionis*, even though its concrete meaning in situations involving ubiquitous infringements is far from clear. The so-called "mosaic approach", which theoretically leads to the distributive application of the laws of all territories for which protection is sought, seems unworkable in practice (para 4.121) and courts look for pragmatic solutions that also depend on the treatment of foreign law. In essence, local law (insofar as protection is sought for the local market) is pivotal, combined with a possible presumption that the application of foreign laws would functionally lead to the same result. Very interesting are the further developments relating to the liability of intermediaries, with practical insights into how domestic courts are currently addressing these issues (para. 4.134). De Miguel Asensio concludes that the *lex loci protectionis* approach is meritorious (para. 4.138) and not necessarily in contradiction with the mandatory requirements that follow

[2] Besides De Miguel Asensio's extensive scholarship in this specialized area, he was one of the main drivers behind ILA's Resolution 6/2020 on IP and PIL (the so-called "Kyoto Guidelines on Intellectual Property and Private International Law"), available at https://www.ila-hq.org/en/documents/kyoto-guidelines-res-6-en-final-as-adopted-on-13-december-2020.

from the country-of-origin principle in the context of EU law (para. 4.140).[3]

The challenges of reconciling a dominating territoriality principle with current Internet-related cross-border litigation characterize the domains of industrial property rights and competition law as well. Chapter 5 deals with these two areas in turn, using the same concise description of the legal framework first and turning then to the specifics of cross-border litigation in each of these fields. Of particular note in the area of industrial property is the inclusion of sections on the enforcement of unitary rights, and in particular, the consideration of the "newcomer" in this area, the Unified Patent Court (UPC). These sections are yet another example of the need for articulation of specific PIL provisions inserted in the unitary instruments themselves with the operation of the general PIL instruments (see, for instance, the articulation of Article 24(2) UPC and Article 8 Rome II Regulation, para. 5.145). Turning to antitrust law and unfair competition, De Miguel Asensio draws attention to the rise of private enforcement of competition claims in an Internet-related context and the PIL issues such claims may unlock (e.g. the characterization of the "relevant provisions of the Digital Markets Act" as overriding mandatory provisions for the purposes of Article 9 of the Rome I Regulation, para. 5.169). With regard to the analysis of general PIL rules, De Miguel Asensio insists, like in previous chapters, about the importance of properly assessing claims for global injunctions and, more generally, the combined effect of jurisdiction and applicable law rules when assessing the territorial reach of the granted remedies (para. 5. 236 et seq.). Finally, with regard to issues of recognition and enforcement abroad, De Miguel Asensio appreciates no significant differences for industrial property and competition (if compared with Chapter 4 on copyrights and related rights).

The last Chapter is on Contracts and Transactions (Chapter 6). A transnational Internet regulation of contractual relations has existed for decades thanks to the pioneering efforts of UNCITRAL and other international bodies. This chapter describes the ensuing legal framework at the international and regional (EU) level, before focusing on a taxonomy of contracts and transactions for PIL purposes (online v. offline, B2B, B2C and P2P, DLT, Blockchain and the so-called Smart Contracts). Equipped with this essential Internet toolbox, the chapter's core examines the main PIL branches (jurisdiction, applicable law, and recognition and enforcement of judgments), with a final section on alternative dispute resolution. With his characteristic clear and systematic style, De Miguel Asensio examines the operation of the Brussels I Regulation in contractual disputes, engaging *inter alia* with the controversial application of the rules on choice of court agreements (Article 25, para. 6.91 *et seq.*) and the contractual forum that "raises complex characterization issues" (Article 7(1), para. 6. 115 *et seq.*). In the same vein, the analysis of, in particular, the Rome I Regulation in the Choice of Law section (para. 6.165 *et seq.*) focuses on the most salient questions from an Internet perspective. For example, the exclusion of a choice for non-state rules under Article 3 Rome I Regulation may be questioned in light of the private self-ordering of Internet actors (para. 6.169) or the absence of a presumption in Article 4(1) Rome I Regulation for contracts on the transfer

[3] For a complementary approach, see my recent observations in the broader context of international property law: PERTEGÁS SENDER, Marta, "International property law and territoriality", in FOGT, MORTEN, M. (ed.), *Private International Law in an Era of Change*, Edward Elgar Publishing, 2024, pp. 231-246

or license of IP rights (para 6.197). This last chapter also contains a brief consideration of crypto-markets, which may perhaps evolve into a separate chapter in a future edition. On that note, the footnotes of a future edition should ideally contain cross-references to previously referred sources that include the footnote number where the full reference is included. This would increase the reader's easiness to locate the vast array of sources referred to in this impressive volume.

In a nutshell, the book makes an outstanding contribution to the literature at the confluence of Internet law and PIL. It masterfully compiles clear and complete analyses of the legal domains where the interaction between the two legal areas has been most controversial. The main lesson may well be that, as a comprehensive and all-encompassing technological advancement, Internet has challenged the foundations and operation of PIL as a legal discipline. It is however not the first time that technological advancements interrogate the operation of the legal settings and, in this particular instance, the rules that apply to private law disputes with an international element. Yet the subject has not been wiped away, but rather invigorated by Internet and its novel legal questions.

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Esplugues Mota, Carlos, y Albornoz, María Mercedes, *Derecho del comercio internacional mexicano*, Tirant lo Blanch, Ciudad de México, 2024, 622 pp.

Afirman María Mercedes Albornoz, Profesora investigadora Titular del Centro de Investigación y Docencia Económicas (CIDE), y Carlos Esplugues Mota, Catedrático de Derecho internacional privado en la Universidad de Valencia (España), editores y prologuistas de esa obra, que su objetivo es *"facilitar a todos aquellos sujetos involucrados en la actividad comercial exterior de México su tarea"*. Sin duda, y a pesar de la dificultad que ello implica, debemos felicitarles por conseguir, ampliamente, su propósito.

La obra que nos presentan es el resultado de un esfuerzo colectivo. En su elaboración se han implicado un amplio número de autores, mexicanos y españoles, especialistas en el Derecho del comercio internacional, en general, y en el Derecho del comercio internacional mexicano, en particular. Sus experimentadas trayectorias (que pueden conocerse, someramente, al inicio de la obra) les permiten compartir con el lector y ofrecer en esta obra un material imprescindible para conocer, tanto desde una perspectiva teórica como práctica, la materia objeto de análisis. En definitiva, tanto por su autoría como por sus contenidos, nos encontramos ante una obra de obligada consulta y referencia para profesionales, estudiantes, académicos y cualquier persona interesada en la materia. Una obra que, sin duda alguna, contribuye al crecimiento de la sociedad en y para la que ha sido elaborada.

Su relevancia y utilidad deriva no solo del objeto de estudio, el Derecho del comercio internacional mexicano, sino también de cómo se ha desarrollado. Las relaciones comerciales entre España y México se caracterizan por su dinamismo y su constante crecimiento. Por su contenido, esta obra permite conocer la realidad del comercio internacional mexicano, así como sus desafíos actuales y futuros, ofreciendo, a pesar de la complejidad, una información actualiza-