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Curriculum Vitae

SHIYUAN HAN

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PRESENT POSITIONS

Tsinghua University School of Law

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| Full Time Professor of Law | Dec. 2005- present |
| Director of European and Comparative Law Center | 2009-present |
| Vice-Chief-Editor of <i>Tsinghua Law Journal</i> | 2010-present |

VISITING POSITIONS

Visiting Scholar at Max-Planck Institute for Comparative Private Law (Hamburg) from October 2006 to September 2007 (with a Scholarship of China Scholarship Council) and from June to September 2009 (with a Scholarship of Max Planck Society);

HIF Research Fellow at the Faculty of Law, Hosei University (Tokyo, Japan) from October 2000 to September 2001 (with a Scholarship of Hosei International Foundation).

PREVIOUS POSITIONS

Tsinghua University School of Law

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| Associate Professor | Jan. 2001-Nov. 2005 |
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Law Institute, Chinese Academy of Social Sciences (CASS, Beijing, China).

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| Associate Professor | Dec. 2000-Sep. 1999 |
| Research Assistant | Jul. 1997-Aug. 1999 |

EDUCATION

Doctor of Laws (Dr. jur), Graduate School, Chinese Academy of Social Sciences (CASS), received in July 1997.

Master of Laws (LL.M.), Jilin University, received in July 1994.

Bachelor of Laws (LL. B.), Jilin University, received in July 1991.

COURSES TAUGHT

- (1) Law of Obligations (for undergraduate students);
- (2) Comparative Private Law (for undergraduate students);

- (3) Contract Law (for LL.M. students);
- (4) Property Law (for LL.M. students);
- (5) Selected Topics on Civil Law (General Part) (for master degree students);
- (6) Selected Topics on Civil Law (Special Part) (for master degree students);
- (7) Advanced Course of Civil Law (General Part) (for doctor degree students);
- (8) Advanced Course of Civil Law (Special Part) (for doctor degree students).

PUBLICATIONS

Monographs

1. He tong fa zong lun [The Law of Contract 合同法总论] (2011), 3rd ed., Law Press, China.
2. He tong fa xue [Contract Law 合同法学] (2010), Higher Education Press, China.
3. Lü xing zhang ai fa de ti xi [Obstacles for Performance and Contractual Remedies 履行障碍法的体系] (2006), Law Press, China.
4. Wei yue sun hai pei chang yan jiu [Studies on Damages for Breach of Contract 违约损害赔偿研究] (1999), Law Press, China.

Books Edited or Co-authored

1. The Draft Civil Code of the People's Republic of China (ed. by Liang Huixing, 2010, co-author), Martinus Nijhoff Publishers.
2. He tong fa [Contract Law 合同法] (2010, 5th ed., co-author and subeditor), Law Press, China.
3. Zhai fa [Law of Obligation 债法] (2010, co-author), Tsinghua University Press.
4. Min fa zong lun [General Part of Civil Law 民法总论] (2010, co-author), Tsinghua University Press.
5. He tong fa xue [Contract Law 合同法学] (2009, 2nd ed., co-author), Higher Education Press.
6. Lü xing zhang ai fa yan jiu [Studies on the Law of Obstacles for Performance 履行障碍法研究] (2006, editor), Law Press, China.
7. Zhai quan bao zhang fa lü zhi du yan jiu [Studies on Legal Institutions Securing Obligation Relationships 债权保障法律制度研究] (2004, co-author), Tsinghua University Press.
8. Min fa jiu ren xing [Civil Law Salon 民法9人行], Vol.2 (2004, editor), Jinqiao Culture Publishing Co Ltd (Hong Kong).
9. He tong fa zong ze [A General Theory of Contract Law 合同法总则] (1999, co-author), Law Press, China.
10. Xin he tong fa yuan li yu an li ping shi [Contract Law Theories and Cases 新合同法原理与案例评释] (1999, co-author and subeditor), Jilin University Press, China.

Selected Articles/Papers

(1) Selected Articles/Papers in English:

1. *Principles of Asians Contract Law: An Endeavor of Regional Harmonization of Contract Law in East Asia*, 58(4) Villanova Law Review, pp.589-599.

2. *The Avoidance of Contract under the CISG: Some Comparative Remarks from a Chinese Perspective*, in: Ingeborg Schwenzer & Lisa Spagnolo (eds.), *Globalization versus Regionalization: 4th Annual MAA Schlechtriem CISG Conference (International Commerce and Arbitration)*, Eleven International Publishing, 2013, pp.47-55.
3. *A Snapshot of Chinese Contract Law from an Historical and Comparative Perspective*, in: L. Chen & C.H. (Remco) van Rhee ed., *Towards a Chinese Civil Code: Comparative and Historical Perspectives*, Martinus Nijhoff Publishers, Leiden/Boston 2012, pp.235-255.
4. *An Overview of the Development of the Financial Leasing Law in China*, *Uniform Law Review/ Revue de Droit Uniforme (UNIDROIT)*, Vol. XVI, 2011-1/2, co-authored with Wensheng Wang, ISSN 1124-3694, pp.241-270.
5. *China*, in: Franco Ferrari (ed.), *The CISG and its Impact on National Legal Systems*, Sellier European Law Publishers GmbH, Munich, 2008, pp.71-92.
6. *Liabilities in Contract Law of China: Their Mechanism and Points in Dispute*, in: *Frontiers of Law of China*, Volume 1, Number 1, Higher Education Press, co-published with Springer-Verlag GmbH, January 2006, pp.121-152.

(2) Selected Articles in Chinese:

1. Yazhou hetongfa yuanze: hetongfa de Yazhou shengyin [Principles of Asian Contract Law: the “Voice of Asia” of Contract Law 亚洲合同法原则: 合同法的“亚洲声音”], 2013:3 Qinghua faxue [Tsinghua Law Journal 清华法学] 6.
2. Hetong neirong de shifaxing yu tuodangxing [Validity and Enforceability of a Contract: Statutory Legality and Public Interest Compliance 合同内容的适法性与妥当性], 2012:6 Yuedan minshangfa zazhi [Cross-Strait Law Review 月旦民商法杂志] 5.
3. Zulin biaodi xiaci yu hetong jiuji [Defect of Leased Object and Its Contractual Remedies 租赁标的瑕疵与合同救济], 2011:5 Zhongguo fa xue [China Legal Science 中国法学] 57.
4. Zhongguo hetongfa yu CISG [Chinese Contract Law and the CISG 中国合同法与CISG], 2011:2 Jinan xue bao [Journal of Jinan University 暨南学报] 7.
5. Jianzuwu zeren de jieshi lun [An Interpretation of the Responsibility Arising from Buildings 建筑物责任的解释论], 2011:1 Qing hua fa xue [Tsinghua Law Journal 清华法学] 26.
6. Ou'zhou hetongfa, Zhongguo hetongfa yu Dongya hetongfa [European Contract Law, Chinese Contract Law and East Asian Contract Law 欧洲合同法、中国合同法与东亚合同法], 2010:1 Dongya fa xue ping lun [East Asian Law Journal 东亚法律评论] 145.
7. Shangpinfang maimai zhong de chiyan sunhai, weiyuejin yu shixiao [Damages for Delay, Preliminary Damages and Prescription for Sales of Condominiums 商品房买卖中的迟延损害、违约金与时效], 2010:11 Fal üshiyong [Journal of Law Application 法律适用] 21.
8. Weiyuejin de lilun zhengyi yu shijian wenti [Debate on the Theoretical and Practical Problems of Preliminary Damages 违约金的理论争议与实践问题], 2009:1

- Beijin zhongcai [Arbitration in Beijing 北京仲裁] 24.
9. You disanren lüxing de hetong chuyi [A Preliminary Study on Contract to be Performed by a Third Party 由第三人履行的合同刍议], 2008:4 Zhejiang gongshang daxue xuebao [Journal of Zhejiang Gongshang University 浙江工商大学学报] 14.
10. Jianjia zeren de luoji goucheng [Logical Formulation of Liability for Price Reduction 减价责任的逻辑构成], 2008:1 Qinghua faxue [Tsinghua Law Journal 清华法学] 15.
11. Chumairen de wu de xiaci danbao zeren yu woguo hetongfa [Seller's Guarantee Liability on Defects of Things and Chinese Contract Law 出卖人的物的瑕疵担保责任与我国合同法], 2007:3 Zhongguo fa xue [China Legal Science 中国法学] 170.
12. Sunhai peichang: Zhongguofa de tixi, wenti yu lifa gaijin [Damages: Its System in Chinese Law, Issues and Possible Progress in Legislation 损害赔偿: 中国法的体系、问题与立法改进], 2006:1 Xuehai [Academia Bimestris] 64.
13. Cong PECL kan Dongya hetongfa xietiaohua zhi lu [A Path to Harmonization of East Asian Contract Law: An Inspiration from the PECL 从PECL看东亚合同法协调化之路], 2006:vol.4 Zhong ri minshangfa yanjiu [Studies on Chinese and Japanese Civil and Commercial Law 中日民商法研究] 198.
14. Yiliao fuwu hetong de buwanquan lüxing ji qi jiuji [Non-conformity of Performance of a Medical Service Contract and Its Remedies 医疗服务合同的不完全履行及其救济], 2005:6 Faxue yanjiu [Chinese Journal of Law 法学研究] 89.
15. Zhajidi de lifa wenti [Legislative Problems on House Site 宅基地的立法问题], 2005:6 Zhengzhi yu falü [Political Science and Law 政治与法律] 30.
16. Gouzao yu chulu: Zhongguo fa shang de tongshi lüxing kangbianquan [Exceptio non Adimpleti Contractus in China: Its Mechanism, Puzzle and Solution 构造与出路: 中国法上的同时履行抗辩权], 2005:3 Zhongguo shehui kexue [Social Sciences in China 中国社会科学] 104.
17. Caipiao de falü fenxi [Legal Issues of Lottery 彩票的法律分析], 2005:2 Faxue [Law Science 法学] 69.
18. Caipiao hetong siti [Four Topics on Lottery Contract 彩票合同四题] (co-authored), 2005:3 Qinghua daxue xuebao [Journal of Tsinghua University 清华大学学报] 28.
19. Shi lun xiang disanren lüxing de hetong [On Third Party Beneficiary Contract 试论向第三人履行的合同], 2004:6 Falü kexue [Science of Law 法律科学] 100.
20. Woguo hetongfa zhong de diyue shang guoshi wenti yanjiu [A Study on Culpa in Contrahendo in Chinese Contract Law 我国合同法中的缔约上过失问题研究], 2004:3 Faxuejia [Jurist 法学家] 122.
21. Zhaiquanren chexiaoquan yanjiu [A Study on Creditor's Right to Revocation 债权人撤销权研究], 2004:3 Bijiaofa yanjiu [Studies on Comparative Law 比较法研究] 34.
22. Ticun lun [On Deposition 提存论], 2004:3 Xiandai faxue [Modern Law Science 现代法学] 141.
23. Hetong jieshi lun [On Interpretation of Contract 合同解释论], 2004:2 Hetongfa pilun [Contract Law Reviews 合同法评论] 72.
24. Minshi falü xingwei jieshi de lifa wenti [Legislative Issues on Interpretation of

- Juridical Act 民事法律行为解释的立法问题], 2003:12 Faxue [Law Science 法学] 62.
25. Weiyuejin de lilun wenti [Theoretical Issues of Agreed Sums Payable upon Breach of Contract 违约金的理论问题], 2003:4 Faxue yanjiu [Chinese Law Journal 法学研究] 15.
26. Weiyuejin san kao [A Historical Review of Agreed Sums Payable upon Breach of Contract 违约金散考], 2003:4 Qinghua daxue xuebao [Journal of Tsinghua University 清华大学学报] 77.
27. Moshi de chengnuo yu yisi shixian [Implied Acceptance and *Willensbetätigung* 默示的承诺与意思实现], 2003:1 Fal ükexue [Science of Law 法律科学] 80.
28. Lüxing chiyan de lilun wenti [Theoretical Issues of Delay of Performance 履行迟延的理论问题], 2002:4 Qinghua daxue xuebao [Journal of Tsinghua University 清华大学学报] 45.
29. Zhongguo de lüxing zhang'ai fa [Chinese Law on Obstacles of Performance 中国的履行障碍法], 2002:1 Sifa yuanjiu [Private Law Review 私法研究] 182.
30. Houshi sifa dui Luomafa Actio Pauliana de jicheng ji Zhongguo fa sha zaiquanren chexiaoquan de goucheng [Private Law Receptions of Actio Pauliana in Roman Law and the Formulation of Creditor's Right to Revocation in Chinese Law 后世私法对罗马法 Actio Pauliana 的继承及中国法上债权人撤销权的构成], in: Zhenshan Yang & Sandro Schipani (eds.), Roman Law, Chinese Law and Codification of Civil law [罗马法. 中国法与民法法典化], Chinese University of Political Science and Law, 2001.
31. Qingshi biangeng yuanze yanjiu [A Study on Change of Circumstances 情事变更原则研究], 2000:4 Zhongwai faxue [Peking University Law Journal] 435.
32. Lun genben weiyue [On Fundamental Breach 论根本违约], 1999:4 Jilin Daxue xuebao [Jilin University Journal] 30.
33. Lun zaiquanren chiyan [On Default of a Creditor 论债权人迟延], 1999:3 Fazhi yu shehui fazhan [Law and Social Development 法制与社会发展] 18.
34. Taren guocuo yu hetong zheren [Contractual Liabilities for a Third Person's Fault 他人过错与合同责任], 1999:1 Fa shang yuanjiu [Studies in Law and Business 法商研究] 34.
35. Lun hetong zeren chengli shang de yiguo guanxi [Causation for Establishing a Contractual Liability 论合同责任成立上的因果关系], 1998:6 Fal ükexue [Science of Law 法律科学] 50.
36. Fei caichan shang sunhai yu hetong zeren [Non-pecuniary Damage and Contractual Liability 非财产上损害与合同责任], 1998:6 Faxue [Law Science 法学] 27.
37. Weiyue sunhai peichang xu shuo [A Preliminary Study of Damages for Breach of Contract 违约损害赔偿序说], 1998:5 Fazhi yu shehui fazhan [Law and Social Development 法制与社会发展] 33.
38. Yingmei putongfa shang weiyue sunhai peichang fanwei de xianzhi fangfa [The Scope of Damages for Breach of Contract in Common Law 英美普通法上违约损害赔偿范围的限制方法], 1998:1, Tsinghua Law Review, 58.
39. Jian sun guize lun [On the Duty to Mitigate 减损规则论], 1997:1 Faxue yanjiu [Chinese Law Journal 法学研究] 144.

40. Lun Zhongguo minfa de xiandaihua [On the Modernization of Chinese Civil Law 论中国民法的现代化], 1995:4 Faxue yanjiu [Chinese Law Journal 法学研究] 24.
41. Mianze tiaokuan yanjiu [Studies on Exemption Clauses 免责条款研究], 1994:2 Minshangfa luncong [Civil and Commercial Law Review 民商法论丛] 455.
42. Xianqi weiyue yu Zhongguo hetong fa [Anticipatory Breach and Chinese Contract Law 先期违约与中国合同法](co-authored), 1993:3 Faxue yanjiu [Chinese Law Journal 法学研究].
43. Lun weifa gaozhi yiwu hou caichan baoxian hetong de chuli [Remedies for Breach of Duty of Information in a Property Insurance Contract 论违反告知义务后财产保险合同的处理], 1990:4 Dangdai faxue [Contemporary Law Science 当代法学] 52.

(3) Translations (from English to Chinese)

- The Dutch Civil Code (Chinese translation version) (1992) (Book 6, General Part of the Law of Obligations), Civil and Commercial Law Review (1997), Vol. 6.
- The Principles of European Contract Law, (Parts I and II, 1999), Civil and Commercial Law Review, Vol.12.
- The Present State of European Private Law, (by R. Zimmermann), Civil and Commercial Law Review, Vol.47.

OTHER PROFESSIONAL ACTIVITIES

Specially Appointed Professor, the Law Institute, Chinese Academy of Social Sciences (CASS, 2005-present);
Arbitrator of Beijing Arbitration Commission (2005-present);
Arbitrator of China International Economic and Trade Arbitration Commission (CIETAC, since 2011).

MEMBERSHIP

Associate Member of *International Academy of Comparative Law* (2007-present);
Member of the CISG (United Nations Convention on Contracts for the International Sale of Goods 1980) Advisory Council (2010-present, <http://www.cisg-ac.org/>);
Executive Member of the Council, China Civil Law Society (2012-present);
Council Member, Comparative Law Research Association of China Law Society (2010-present);

HONORS

- (1) Higher School Scientific Research Outstanding Achievement Award (Humanities and Social Sciences, the third Prize), honored by the Ministry of Education of China in Sep. 2009.
- (2) *The Law of Contract*, Prize for Excellent Achievements in Scientific Research (Civil Law, the First Prize), honored by China Law Society in May 2005.
- (3) The 4th National Selection for Ten Outstanding Youth or Middle-aged Jurists (Nomination), honored by China Law Society in Nov. 2004.