

University of Groningen

Third party funding for dispute resolution

Zhang, Beibei

DOI:
[10.33612/diss.102275228](https://doi.org/10.33612/diss.102275228)

IMPORTANT NOTE: You are advised to consult the publisher's version (publisher's PDF) if you wish to cite from it. Please check the document version below.

Document Version
Publisher's PDF, also known as Version of record

Publication date:
2019

[Link to publication in University of Groningen/UMCG research database](#)

Citation for published version (APA):
Zhang, B. (2019). *Third party funding for dispute resolution: a comparative study of England, Hong Kong, Singapore, the Netherlands and Mainland China*. University of Groningen.
<https://doi.org/10.33612/diss.102275228>

Copyright

Other than for strictly personal use, it is not permitted to download or to forward/distribute the text or part of it without the consent of the author(s) and/or copyright holder(s), unless the work is under an open content license (like Creative Commons).

The publication may also be distributed here under the terms of Article 25fa of the Dutch Copyright Act, indicated by the "Taverne" license. More information can be found on the University of Groningen website: <https://www.rug.nl/library/open-access/self-archiving-pure/taverne-amendment>.

Take-down policy

If you believe that this document breaches copyright please contact us providing details, and we will remove access to the work immediately and investigate your claim.

Downloaded from the University of Groningen/UMCG research database (Pure): <http://www.rug.nl/research/portal>. For technical reasons the number of authors shown on this cover page is limited to 10 maximum.

Propositions:

1. The integrated TPF arrangement for dispute resolution is a way to promote access to justice and to enhance procedural efficiency.
2. TPF comes with risks which threaten not only the integrity of the funded proceedings but also the independence of the legal profession. For the funded parties, there is a price to pay for the funding service which can be exploitative in some cases.
3. TPF has evolved into a separate funding option that deserves to be insulated from its alternative funding options in regulation.
4. TPF is compatible with the goal of China to enhance private enforcement of law and to safeguard the commercial order.
5. The absence of court supervision and regulation on TPF in China brings uncertainty to dispute resolution.
6. China should introduce limited but targeted regulatory measures for TPF.
7. It is preliminarily required that TPF for litigation is regulated separately from TPF for arbitration in the Chinese context.
8. In China, the regulation of TPF for litigation should start from imposing requirements on third party funders to guarantee the quality of the funding service and concurrently enhancing the transparency of the funding arrangement to inform the court about the impact of the funding arrangement.
9. In arbitration, endemic rules for TPF should be avoided to a sufficient extent to uphold arbitral autonomy and to meet the international standards for the practice of TPF for arbitration.