

## **International Service of Process**

What is the legal authority?  
What type of service is permitted?  
Who can affect service of process?

### **Legal Authority?**

International Law Governs: Treaties & Conventions

- \*Hague Convention on Service of Judicial and Extra-Judicial Documents  
& Inter-American Convention
- \*Non-Treaty Countries- Informal Service of Process

### **Hague Convention**

Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters

“Mandatory and exclusive means” of effecting service of process upon international defendants. *Volkswagen AG v. Schlunk*, 486 US 694 (1988).

There are fifty-four countries signatory to Hague Convention and they include: Belgium, Canada, China, France, Germany, Greece, Hong Kong, India, Japan, Mexico, Netherlands, Russia, Switzerland, and United Kingdom.

Service from U.S. Embassy upon Country’s “Central Authority”, then service affected upon Defendant. Typically takes six months time.

### **Inter-American Convention**

The Inter-American Convention on Letters Rogatory and Additional Protocol is an international treaty between the US and many South and Central American Countries regulating international service of process.

Countries signatory to Inter-American Convention: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Panama, Paraguay, Peru, United States, Uruguay, & Venezuela.

Letters Rogatory is term for a court-to-court pleading where the requesting country request the assistance of the court where the Defendant is located. Typically takes six months or more.

### **Non-Treaty Countries**

There are over 125 countries that are not a party to any treaty on service of process with the United States, including: Nigeria, Liberia, Angola, Zimbabwe, Jamaica, Iraq, United Arab Emirates, Saudi Arabia, Egypt, Iran, Armenia, Belarus, Kazakhstan, Austria, Malta, Taiwan, Singapore and Malaysia.

Default service provision where there is no treaty is Letters Rogatory.

Some countries, such as Australia and Jamaica actually permit a private process server to affect service of process.

Letters Rogatory can take from six months to two years. Costs of international service of process can range from \$500-\$2000.

### **Specialized Vendors**

It is vital to secure a vendor with extensive experience in affecting international service of process.

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