



Academic year	2017-18
Subject	20476 - International Trade Law
Group	Group 3, 2S, GAID, GDRE
Syllabus	B
Language	English

### Subject

<b>Name</b>	20476 - International Trade Law
<b>Credits</b>	1.12 in-class (28 hours) 4.88 distance (122 hours) 6 total (150 hours).
<b>Group</b>	Group 3, 2S, GAID, GDRE (Campus Extens 50)
<b>Period</b>	Second semester
<b>Language</b>	English

### Lecturers

Lecturers	Office hours for students					
	Starting time	Finishing time	Day	Start date	End date	Office
Joan Francesc Contestí Seguí						You need to book a date with the professor in order to attend a tutorial.
Anselmo María Martínez Cañellas						You need to book a date with the professor in order to attend a tutorial.
<a href="mailto:anselmo.martinez@uib.es">anselmo.martinez@uib.es</a>						
Juan Antonio Vives Vallés <a href="mailto:juanantonio.vives@uib.eu">juanantonio.vives@uib.eu</a>	15:00	17:00	Monday	05/03/2018	19/03/2018	DA001

### Context

This course focuses on the law governing international trade from a Private Law perspective. The course will deal with the rules of the formation of the international commercial contract, its content, and its termination in the framework of the CISG. It will also provide a strong introduction to alternative dispute resolution methods, international commercial arbitration in particular.

### Requirements

#### Recommended

Good command of English, written and spoken (min. B1 level): students should do the "Language level test for subjects taught in English" which is available on the intranet (enter "Campus Extens", go to "Informació dels Estudis de Grau en Dret" where you will find the test under "Informació útil"). We recommend that you do not enroll in the subject if you don't pass the test (except if you take concrete action to improve your English during the first semester in order to be able to pass the test before the start of the second semester).

### Skills



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Besides getting the student to acquire in-depth legal knowledge of the subject-matter as described above under “Context”, this subject will deal with transversal competences as specified here below:

### Specific

- \* The student will: - learn about the CISG. - apply the CISG to a practical case, writing a claim in an international commercial arbitration proceeding. - learn to find and use international case law and scholarly writing related with international commercial contracts. - learn to select the relevant facts of a bunch of documental evidences, to write a memorandum of claimant..

### Generic

- \* Oral communication and writing skills.
- \* Advanced legal knowledge..

### Transversal

- \* You may consult the basic competencies students will have to achieve by the end of the degree at the following address: <http://www.uib.eu/study/grau/Basic-Competences-In-Bachelors-Degree-Studies/>.

### Basic

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## Content

### Theme content

#### Assignment 1. Introduction to the CISG

Sphere of application of the CISG and related issues. We will study the requirements that must be met in order to the CISG to be applied. We will also study some issues that arises from the application of the Convention.

#### Assignment 2. The CISG (I)

Rules of formation of the contract regulated in the Vienna Convention of Internacional Sale of Goods (CISG) and in the UNIDROIT Principles of International Commercial Contracts. We will include some references to the agency and validity rules of the UNIDROIT Principles.

#### Assignment 3. The CISG (II)

Issues covered by the CISG and key substantive provisions. We will analyze the issues covered and excluded from the CISG, and we will study also the main provisions of the Conventions.

#### Assignment 4. Non performance of the international commercial contract

Analysis of the concept of non performance, the remedies available to the parties that suffer the breach, avoidance and termination of the contract, and excuses of performance, according to the CISG, and the rules about the limitation period, set off and assignment of the contracts, of the UNIDROIT Principles.

#### Assignment 5. Alternative Dispute Resolution

Methods of resolution of disputes in the international trade other than judicial. General reference to negotiation, mediation and others. Particular reference to the UNCITRAL Model Law of International Commercial Conciliation, and the UNCITRAL Conciliation Rules.

#### Assignment 6. International Commercial Arbitration

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Law of international commercial arbitration. In particular, the UNCITRAL Arbitration Rules, the UNCITRAL Model Law of International Commercial Arbitration, and the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards.

## Teaching methodology

This is a "Campus Extens 50" subject, which means that it has a lower number of face-to-face classes and therefore requires more distance work by students in order to study the subject of each class, write the memorandum of claimant and study for the final exam. In order to facilitate the distance work, the teacher provides students with a virtual space (the Campus Extens subject page) in which he will post study and consultation material: this includes the program, PowerPoint presentations used during the course, links to conventions, model laws, rules, resolutions and other documents, hyperlinks to websites of relevant international organizations, tribunals and bodies, articles on topics of interest, photos and other multimedia materials. The Campus Extens subject page may also be used for certain evaluation activities, and students can use it to communicate electronically with the professor through the individualized tutorials forum.

## Workload

At the beginning of the semester a schedule of the subject will be made available to students through the UIB digital platform. The schedule shall at least include the dates when the continuing assessment tests will be conducted and the hand-in dates for the assignments. In addition, the lecturer shall inform students as to whether the subject work plan will be carried out through the schedule or through another way included in the Campus Extens platform.

## In-class work activities

Modality	Name	Typ. Grp.	Description	Hours
Theory classes	Lectures	Large group (G)	In these classes, the main theoretical contents will be presented and explained. Lectures regarding the CISG will have a theoretical approach, while those concerning to alternative dispute resolution methods and international commercial arbitration, from a more holistic perspective, both theoretical and practical.	20
Seminars and workshops	Case study	Medium group (M)	In these classes we will study an international commercial arbitration case about a breach of an international contract of sale of goods. The students will have to draft a memorandum of claimant.	6
Assessment	Written exam	Large group (G)	Written exam about the content of the materials and the lectures explained in the course. Additional exams will be able to be carried out, in order to help the students assimilate the content and improve their performance in the final exam. The final exam may be substituted by these mid-term exams.	2

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whether the subject work plan will be carried out through the schedule or through another way included in the Campus Extens platform.

### Distance education work activities

Modality	Name	Description	Hours
Individual self-study	Individual study of the course content	Students must study individually in order to assimilate the content of the course, in order to be in a position to draft the memorandum of claimant, and pass the written exam.	122

### Specific risks and protective measures

The learning activities of this course do not entail specific health or safety risks for the students and therefore no special protective measures are needed.

### Student learning assessment

#### Lectures

Modality	Theory classes
Technique	Other methods ( <b>non-retrievable</b> )
Description	In these classes, the main theoretical contents will be presented and explained. Lectures regarding the CISG will have a theoretical approach, while those concerning to alternative dispute resolution methods and international commercial arbitration, from a more holistic perspective, both theoretical and practical.
Assessment criteria	The attendance and active participation of the student in theoretical classes will be assessed by the professor (10% of the final mark).

Final grade percentage: 10%

#### Case study

Modality	Seminars and workshops
Technique	Papers and projects ( <b>retrievable</b> )
Description	In these classes we will study an international commercial arbitration case about a breach of an international contract of sale of goods. The students will have to draft a memorandum of claimant.
Assessment criteria	The attendance and active participation of the student in the case study classes together with the memorandum of claimant that the student has to deliver in the date stated by the professor will be assessed by the professor (40% of the final mark).

Final grade percentage: 40%

### Written exam

Modality	Assessment
Technique	Objective tests ( <b>retrievable</b> )
Description	Written exam about the content of the materials and the lectures explained in the course. Additional exams will be able to be carried out, in order to help the students assimilate the content and improve their performance in the final exam. The final exam may be substituted by these mid-term exams.
Assessment criteria	The written exam/s will allow the professor to assess the theoretical knowledge, understanding and critical ability acquired by each student. The written exam/s is/are worth 50% of the final mark.

Final grade percentage: 50%

### Resources, bibliography and additional documentation

The professor will provide students with the basic texts which they can consult on-line through the Campus Extens subject page, and will refer students to webpages and databases where they will find the rest of the materials that they will need to prepare this subject. The professor may provide her PowerPoint presentations as well.

#### Basic bibliography

Reference material posted by the professor on the Campus Extens subject page.

#### Other resources

<http://www.uncitral.org/>  
<http://www.unidroit.org/>  
<http://www.unilex.info/>  
<http://iicl.law.pace.edu/cisg/cisg>