

Syllabus

Subject

Subject / Group	20476 - International Trade Law / 3
Degree	Double Degree in Business Administration and Law - Fifth year Degree in Law - Fourth year
Credits	6
Period	Second semester
Language of instruction	English

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 introduction to alternative dispute resolution methods with a special focus on international commercial and intellectual property (IP) disputes.

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 course 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).

Although not a requirement, taking also the course '20439 - Dret de la Competència i de la Propietat Industrial' is most advisable.

Skills

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 documentary evidences, to write a memorandum of claimant. .

Generic

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



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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

Range of topics

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).

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 Convention.

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.

Assignment 5. Alternative Dispute Resolution

Methods of resolution of disputes in the international trade other than judicial. General reference to negotiation, mediation and others.

Assignment 6. International Commercial Arbitration

Law of international commercial arbitration. In particular, the UNCITRAL and the WIPO Arbitration Rules, and the New York Convention on the Recognition and Enforcement of ForeignArbitral Awards.

Teaching methodology

This is a "Campus Extens 50" course, 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 claimantand 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



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

In-class work activities (1.12 credits, 28 hours)

Modality	Name	Typ. Grp.	Description	Hours
Theory classes	Lectures	Large group (G)	In these lectures, 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 lectures 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. To those students that have participated (or are participating) in the MOOT contest, this part could be spared (in this case, the final grade will be the result of the weighted average of the remaining grading criteria).	6
Assessment	Written exam	Large group (G)	Written exam about the content of the materials and the lectures explained in the course. Additional exams may 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. If these exams cover all the course, the professor, at the request of interested students, may decide to substitute the grade of the final exam for the weighted average grade of the affected mid-term exams, unless the interested student finally decides to take the final exam, in which case the grade of this last exam will prevail.	2

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Distance education tasks (4.88 credits, 122 hours)

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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 to be in a position to draft the memorandum of claimant and pass the written exam/s.	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

Frau en elements d'avaluació

In accordance with article 33 of Academic regulations, "regardless of the disciplinary procedure that may be followed against the offending student, the demonstrably fraudulent performance of any of the evaluation elements included in the teaching guides of the subjects will lead, at the discretion of the teacher, a undervaluation in the qualification that may involve the qualification of "suspense 0" in the annual evaluation of the subject".

Lectures

Modality	Theory classes
Technique	Other methods (non-retrievable)
Description	In these lectures, 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 grade).
Final grade percentage: 10%	

Case study

Modality	Seminars and workshops
Technique	Papers and projects (retrievable)
Description	In these lectures 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. To those students that

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Assessment criteria	<p>have participated (or are participating) in the MOOT contest, this part could be spared (in this case, the final grade will be the result of the weighted average of the remaining grading criteria).</p> <p>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 grade).</p>
Final grade percentage:	40%

Written exam

Modality	Assessment
Technique	Objective tests (retrievable)
Description	<p>Written exam about the content of the materials and the lectures explained in the course. Additional exams may 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. If these exams cover all the course, the professor, at the request of interested students, may decide to substitute the grade of the final exam for the weighted average grade of the affected mid-term exams, unless the interested student finally decides to take the final exam, in which case the grade of this last exam will prevail.</p>
Assessment criteria	<p>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 grade.</p>
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 course 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 course. The professor may provide his PowerPoint presentations as well.

Basic bibliography

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