

Syllabus

Subject

Subject / Group	20476 - International Trade Law / 3
Degree	Degree in Law - Fourth year Double degree in Business Administration and Law (2013 syllabus) - Fifth year
Credits	6
Period	2nd semester
Language of instruction	English

Professors

Lecturers	Office hours for students					
	Starting time	Finishing time	Day	Start date	End date	Office / Building
Juan Antonio Vives Vallés						
<i>Responsible</i> juanantonio.vives@uib.eu	You need to book a date with the professor in order to attend a tutoring session.					

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 (at least B1 level) is most advisable: students should do the "Language level test for subjects taught in English" which is available on the Intranet ("Campus Extens": "Informació dels Estudis de Grau en Dret": "Informació útil"). It is up to the students and at their own risk to decide whether to enroll or not if they are not sure about their English level.

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

Skills

Specific

- * Learn about the CISG.



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- * Apply the CISG to a practical case and/or to write a claim in an international commercial arbitration proceeding, and/or to write a memorandum of claimant.
- * Find and use international case law and scholarly writing in relation to international commercial contracts.
- * Select the relevant facts of a bunch of documentary evidences.

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 webpage: <http://www.uib.eu/study/grau/Basic-Competences-In-Bachelors-Degree-Studies/>

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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 be applied. We will also study some issues that arise from the application of the Convention.
- Assignment 2. The CISG (I)
Rules of formation of the contract regulated in the Vienna Convention of International 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 alternative dispute resolution. General reference to negotiation, mediation and others.
- Assignment 6. International Commercial Arbitration

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Laws and principles on International Commercial Arbitration. Eg. the UNCITRAL and the WIPO Arbitration Rules, and the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards.

Teaching methodology

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 (1.04 credits, 26 hours)

Modality	Name	Typ. Grp.	Description	Hours
Theory classes	Theory classes	Large group (G)	In these lectures, the main theoretical contents will be presented and explained.	16
Practical classes	Practical classes	Large group (G)	In these lectures the student will apply the theoretical concepts acquired in the course to one or several cases. This activity may be complemented with other practical exercises and / or with the preparation of the memorandum of claimant.	8
Assessment	Written exam (online)	Large group (G)	Written exam (online test) based on the materials and the lectures of the course.	0
Assessment	Written exam	Large group (G)	Written exam based on the materials and the lectures of the course.	2

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Distance education tasks (4.96 credits, 124 hours)

Modality	Name	Description	Hours
Individual self-study	Individual study of the course materials	Students must study individually in order to assimilate the content of the course to be capable to pass the written exams.	102
Group or individual self-study	Assignment/s	The student will apply the theoretical concepts acquired in the course to one or several cases. This activity may be complemented with other practical exercises and / or with the preparation of the memorandum of claimant.	22

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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 Regulation of academic studies, "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".

Theory classes

Modality	Theory classes
Technique	Other methods (non-recoverable)
Description	In these lectures, the main theoretical contents will be presented and explained.
Assessment criteria	Attendance and active participation of the student in theory classes will be assessed by the professor (10% of the final grade).

Final grade percentage: 10%

Practical classes

Modality	Practical classes
Technique	Other methods (non-recoverable)
Description	In these lectures the student will apply the theoretical concepts acquired in the course to one or several cases. This activity may be complemented with other practical exercises and / or with the preparation of the memorandum of claimant.
Assessment criteria	Attendance and active participation of the student in practical classes will be assessed by the professor (10% of the final grade).

Final grade percentage: 10%

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Written exam (online)

Modality	Assessment
Technique	Objective tests (non-recoverable)
Description	Written exam (online test) based on the materials and the lectures of the course.
Assessment criteria	A written exam aiming to assess the theoretical knowledge, understanding and critical ability acquired by each student.

Final grade percentage: 30%

Written exam

Modality	Assessment
Technique	Objective tests (non-recoverable)
Description	Written exam based on the materials and the lectures of the course.
Assessment criteria	A written exam aiming to assess the theoretical knowledge, understanding and critical ability acquired by each student.

Final grade percentage: 30%

Assignment/s

Modality	Group or individual self-study
Technique	Papers and projects (non-recoverable)
Description	The student will apply the theoretical concepts acquired in the course to one or several cases. This activity may be complemented with other practical exercises and / or with the preparation of the memorandum of claimant.
Assessment criteria	The student will apply the theoretical concepts acquired in the course to one or several cases. This activity may be complemented with other practical exercises and / or with the preparation of the memorandum of claimant. Some of these activities might be carried out within the practical lectures, but some of them will be delivered as an assignment.

Final grade percentage: 20%

Resources, bibliography and additional documentation

The professor will provide the students with the basic texts which they can consult on-line through Campus Extens, and he will refer students to webpages and databases where they will find the rest of the materials that they will need to prepare this course.

Basic bibliography

Reference material posted by the professor on Campus Extens.

