

FICHA TÉCNICA DE LA ASIGNATURA

Datos de la asignatura	
Nombre Completo	International Business Transactions
Código	E000001128
Impartido en	Diploma in Business Law [Tercer Curso] Grado en Derecho y Diploma in Business Law E-1 (Francés) [Tercer Curso] Grado en Derecho y Diploma in Business Law (E-1) [Tercer Curso]
Nivel	Diplomas Enseñanza Reglada/Grados
Cuatrimestre	Semestral
Créditos	4,5
Carácter	Obligatoria (Grado)
Departamento / Área	Departamento de Derecho Económico y Social

Datos del profesorado	
Profesor	
Nombre	Luz María García Martínez
Departamento / Área	Departamento de Derecho Económico y Social
Despacho	Professor's room (Law School)
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DATOS ESPECÍFICOS DE LA ASIGNATURA

Contextualización de la asignatura
Aportación al perfil profesional de la titulación
<p>The class examines the legal framework of private international business transactions, including: the international sale of goods; bills of lading; letters of credit; government regulation of imports and exports; and forms and regulation of foreign direct investment. It will also examine international franchise and distribution agreements, trademark licenses and contracts for the transfer of technology. Finally, aspects of credit recovery, collateralization and cross-border insolvency will be analysed. These topics are considered generally and in specific comparative contexts across countries and across types of transaction subject matter (e.g. technology transfer, sale of goods).</p>

Competencias - Objetivos
Competencias
Generic Competences

- Instrumental
 - General basic knowledge in the field of study (CGS 11)
 - Decision-making and problem-solving (CGI 06)

Specific competences of the subject

- Conceptual (knowing)
 - Gaining a broad view of rules governing international trade, its main areas and legal sources (CEA 04). Understanding the implications of international trade for business and market players.
- Procedural (doing)
 - Developing a critical view on international trade-related issues and rules.
- Professional (knowing how)
 - Properly appraising a contractual and/or business/financial risk situation under international uniform law and practice, and extracting its legal and business consequences.

BLOQUES TEMÁTICOS Y CONTENIDOS

Contenidos – Bloques Temáticos

AREA 1: GENERAL ASPECTS OF INTERNATIONAL TRADE, ORGANISATIONS AND INTERNATIONAL SALE OF GOODS

Unit 1: Relevance of International Trade and Regulatory Framework

- 1.1 Introductory overview on International Trade and Trade-Related International Organizations
- 1.2 The World Trade Organization, UNCITRAL and other institutions
- 1.3 Domestication of International Trade in the EU and in other FTAs
- 1.4 Main regulations with an impact on international trade

Unit 2: The World Trade Organization Substantive Law

- 2.1 GATT hierarchy of instruments of protection
- 2.2 GATT Legal framework
- 2.3 Trade in Services (GATS)
- 2.4 Trade-related Intellectual Property Rights (TRIPS)
- 2.5 WTO and Foreign Direct Investment

Unit 3: The UN Convention on the International Sale of Goods

- 3.1 The CISG, its relevance and scope

3.2 Formation of contracts under the CISG and relevance of UNIDROIT Principles

3.3 Obligations of the parties under the CISG. INCOTERMS as the "default" setting of parties' additional obligations

3.4 Liability under the CISG

3.5 Conflict resolution and the CISG: reference to international arbitration

Unit 4: Additional Instruments in International Sales of Goods

4.1 Contracts for the transport of goods: bills of lading

4.2 Insurance and other risk management instruments

4.3 Secured payment methods: letters of credit

4.4 Customs control: government regulation of imports and exports

4.5 Additional formalities: sanitary, environmental and other types of regulations

Unit 5: International Distribution and Advertising of Goods

5.1 International franchise and distribution agreements

5.2 International trademark licenses and advertisement-related issues

5.3 Use of trademarks and advertisement on the internet

Unit 6: International Transfer of Technology

6.1 International protection of inventions and know-how: patents and other IP rights

6.2 International transfer of technology, with a special focus on EU rules

AREA 2: INTERNATIONAL PROTECTION OF CREDIT AND INSOLVENCY PROCEDURES

Unit 7: Extension of credit, credit recovery and collateralization in international transactions

1.1 Commercial and bank-backed credit in international transactions

1.2 Collateralization and guarantees, with special focus on the 2007 - UNCITRAL Legislative Guide on Secured Transactions

1.3 Cross-border credit recovery

Unit 8: Insolvency and international bankruptcy procedures

2.1 Risk and impact of insolvency in international transactions, with special focus on the 1997 - UNCITRAL Model Law on Cross-Border Insolvency and the 2004 - UNCITRAL Legislative Guide on Insolvency Law

2.2 International bankruptcy procedures, with a special focus on EU rules on transnational insolvency

METODOLOGÍA DOCENTE

Aspectos metodológicos generales de la asignatura

Metodología Presencial: Actividades

- Classes will include a mix of lectures.
- Practical classes (case-method).
- Students are expected to attend the sessions duly prepared.

Metodología No presencial: Actividades

Students are expected to prepare 2 to 3 practical exercises to be handed in and/or presented/discussed in class. Those exercises will complement students' independent study.

RESUMEN HORAS DE TRABAJO DEL ALUMNO

CONTACT HOURS:

- Lecture: 38
- Practical class: 7
- Exam: 3
- Exam review: 0.5

INDEPENDENT STUDY HOURS:

- Study of the materials: 38
- Preparation of practical classes: 14
- Study for the exam: 15.5

TOTAL: 116

EVALUACIÓN Y CRITERIOS DE CALIFICACIÓN

EXAM:

- Indicators:

Multiple choice

Both theoretical and practical understanding of the topics studied in class

Knowledge of the basic concepts and legal instruments studied in class

Long-form answer (case study)

Appropriate use of legal English and legal terms/concepts studied in class

Quality of legal thinking and communication skills

Appropriate use of legal tools and sources

Ability to synthesize and systematically present ideas and concepts.

Identification and understanding of the problem raised in the facts of the case study

- Evaluation Weighting: 70%

CASE STUDIES AND IN-CLASS PRESENTATION:

- Indicators:

Satisfactory resolution of practical cases

Quality of legal thinking and communication skills

Appropriate use of legal tools and sources

Appropriate use of legal terms and concepts in written expression

Ability to synthesize and systematically present ideas and concepts.

Identification and understanding of the problem raised in the facts of the case study

Quality of presentation and in-class discussion

- Evaluation Weighting: 30%

BIBLIOGRAFÍA Y RECURSOS

Bibliografía Básica

Text books

CARR, I. and STONE, P.: *International trade law*, 6th edition, Routledge, 2018.

CARR, I., and SUNDARAM, J.: *International Trade Law Statutes and Conventions 2016-2018*, Routledge.

GOODE, R., KRONKE, H., and MCKENDRICK, E.: *Transnational Commercial Law: Text, Cases, and Materials*, 2nd Edition, Oxford University Press, 2015.

VAN DEN BOSSCHE, P and ZDOUC, W.: *The Law and Policy of the World Trade Organization: Text, Cases and Materials*, 4th edition, Cambridge University Press, 2017.

Websites

World Trade Organization: <http://www.wto.org/>

UN Commission on Int'l Trade Law (UNCITRAL): <http://www.uncitral.org/uncitral/en/index.html>