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APPLIES TO ACADEMIC YEAR 2011/2012

EXC 2121 International Commercial Law

Programme
Bachelor in Business Administration (BBA) (2. year)

Responsible for the course
Cathrine Bjune

Department
Department of Accounting - Auditing and Law

Term
According to study plan

ECTS Credits
7,5

Language of instruction
English

Introduction
The course aims at providing an understanding of the legal framework that governs international business transactions. It offers a thorough introduction to legal systems, legal terminology and the body of law that governs business and commercial transactions. The course covers general contract law and mechanisms for entering into and interpreting international contracts. Standard contracts and their use will be covered, as well as standard tradeterms, documents and their use. The students will learn the importance of determining jurisdiction and applicable law in contracts and in tort. Methods of dispute resolution, such as court process, mediation and arbitration will be covered. The course covers specific regulations such as CISG (Convention for the International Sale and Purchase of Goods), INCOTERMS, documentary credits and their use.

Learning outcome
Acquired knowledge
On completion of this course, the student should be able to:

- Identify sources of law and regulations applicable to international business transaction, such as national laws, international conventions, trade terms and commercial practices.
- The students will be able to identify, understand and apply common legal terms and expressions, and to choose between different dispute resolution methods.
- The students will have a good overall understanding of the legal challenges in international business and standard contracts used for international sale and purchases.
- The students will gain practical knowledge about the law as it relates to international business.

Acquired skills
The students will be able to:

- Find and apply relevant sources of law for international contracts
- Distinguish between civil law and common law practices in a commercial setting
- Evaluate the extent to which the parties may have to apply the law or if they can derogate from it in their contracts.
- Understand the mechanisms of choice of forum and choice of law, enabling them to identify the law applicable to the contract and to choose the method of dispute resolution.
- Be able to enter into basic commercial contracts and to understand and interpret relevant clauses.
- Understand and apply international sale and purchase contracts and associated contracts such as Incoterms and letters of credit.
- Be able to apply and use CISG - the Convention on International Sale of Goods.
- Acquire adequate tools in order to handle legal challenges arising out of international business transactions, and methods for avoiding conflicts and dispute resolution.

Reflection
The students will have a general understanding of legal systems and contract practices, and how they can differ between countries. This understanding and knowledge will enable them to be more cautious when entering into contracts with a foreign element, and will make them reflect on the potential different outcomes that could be the result of applying alternative jurisdiction, applicable law and choice of dispute resolution clauses in their business contracts. By knowing main legal terms and practices, they will be able to avoid common pitfalls in the future.

Prerequisites
None

Compulsory reading
Books:
Moss, Giuditta Cordero. 2010. International commercial law. Skriftserie / Institutt for privatrett, Universitetet i Oslo ; nr 185. Privatrettsfondet. 161. OBS: ny utgave i 2010 med tittel International commercial law

Articles:
Dalhuisen, Jan H. 2007. The contract for the international sale of goods. I: Dalhuisen, Jan H,: Dalhuisen on transnational and comparativecommercial, financial and trade law. 3rd ed. Hart Publishing. (The article will be provided on It's Learning). 33
Selected articles on CISG and Incoterms. Articles will be posted on It's learning

Recommended reading

Course outline
- Different legal systems and terminology
- Mandatory laws vs. non-mandatory and contract law
- International conventions and their use
- Conclusion of contracts and standard terms in international contracts
- Methods for interpretation of international contracts
- International sale and purchase - CISG (the international sale of goods act)
- Terms of delivery – INCOTERMS
- Payments and transfer of risk
- Letters of credit and standard documents used in international trade
- Case work

Computer-based tools
Computer-based tools are not used in this course.

Learning process and workload
The course will be conducted through a combination of lectures, casework, group work and assignments. The students need to read the PowerPoint presentations, articles and curriculum as presented during the course. As a part of the learning process there will be given an assignment during the semester. The goal is, through writing and discussions, to train students in arguing and reflecing with reference to relevant law and terms. This is an important issue for the final exam.

The assignment will be published on It's learning, and can be solved in groups of up to five students. It will be avilable in a periode of two weeks and the students should be able to answer it in about 3 hours if they have followed the recommended work schedule. If the students are not prepared, more time must be calculated. Further information will be given in the lectures and through It's learning.

Feedback to the students will be given during lectures. The lecturer will review some of these assignments in class. The feedback will consist of the students comparing their solutions with the one that is explained by the lecturer.

Recommended workload in hours

Activity	**Hours**
Participation at lectures	30
Case work in groups	9
Participation at assignment reviews by lecturer*	6
Preparation for lectures	65
Preparation for exams	90
Total recommended use of time	**200**

Use of hours
30 hours - Lectures
9 hours - Group work supervised by the lecturer
6 hours - Review of group work
45 hours in total

Examination
A three hour individual written exam concludes the course.

Examination code(s)
EXC 21211 - written exam that accounts for 100% of the grade in the course EXC 2121 International Commercial Law, 7.5 ECTS credits.

Examination support materials
All support materials allowed.
Examination support materials at written examiniations are explained under exam information in our web-based Student handbook. Please note use of calculator and dictionary.
http://www.bi.edu/studenthandbook/examaids

Re-sit examination
A re-sit is held at next scheduled examination in the course.

Additional information