



APPLIES TO ACADEMIC YEAR 2016/2017

EXC 2121 International Commercial Law

Programme

Bachelor of Business Administration - BBA (2. year), Exchange Program

Responsible for the course

Cathrine Bjune

Department

Department of Law

Term

According to study plan

ECTS Credits

7,5

Language of instruction

English

Introduction

The course provides an understanding of the legal framework applicable to international business and contracts. The students will learn about different legal systems, legal terminology, and the body of law that governs business and commercial transactions. The course covers general contract law and what makes a contracting binding - and to which extent it is binding. They learn to interpret and understand the legal challenges for contract negotiations and the conclusion and execution of contracts. There will be a general overview of types of international contracts, with a focus on international sales and purchase contracts - both standard and individual contracts. Standard contracts used for international sales are covered, as well as standard trade terms and commonly used documents and contracts.. The students learn the importance of determining jurisdiction and applicable law when entering into contracts, and how to avoid or minimize common pitfalls. Methods of dispute resolution, such as court process, mediation and arbitration is covered. The course covers specific regulations such as CISG (Convention for the International Sale and Purchase of Goods), and the use of and importance of NCOTERMS. The students will learn the transport element in international sale and purchase contracts, and the risk and ownership transfer of goods, subject relevant clauses being used.

Learning outcome

Acquired knowledge

On completion of this course, students shall:

- Understand what a contract is and what makes it binding
- Understand what a breach of contract is and the effects of it
- The importance of determining jurisdiction and applicable law in international contracts
- Have an overview of international sale and purchase law.
- 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.
- Be able to identify and understand common legal terms, expressions and different dispute resolution methods.
- Acquired knowledge of how to enter into legally binding business contracts and to identify potential pitfalls.
- Have an overall understanding of the legal challenges in international business and standard contracts used for international sale and purchases.
- Gained practical knowledge about the law as it relates to international business.
- Have learned to interpret contracts and find and apply relevant CISG rules.
- Understanding of INCOTERMS and the effect on buyer and sellers risk in relation to transportation
- Methods for minimizing risks in international contracts

Acquired skills

The students will be able to:

- Know the main differences between civil law and common law practices in a commercial setting.
- Ability to interpret international contracts, standardised as well as individually drafted contracts
- Understand the effects of a binding contract
- Know what a MoU and a MoA is
- Evaluate the extent to which the parties may have to apply mandatory law, or if they can derogate from it in their contracts.
- Understand the main principles underlying choice of forum and choice of law.
- Know how to enter into basic commercial contracts and to understand and interpret relevant clauses.
- Know how to apply INCOTERMS and letters of credit.

- Apply and use CISG.
- Know how to minimize risks in international contracts

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 if 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 business contracts.

Prerequisites

None

Compulsory reading

Books:

Carr, Indira. 2014. International Trade Law. 5th ed. Routledge

Other:

Selected articles on CISG and Incoterms. (Articles will be posted on Itslearning)

Recommended reading

Course outline

- Different legal systems and terminology
- Basic elements of a binding contract
- How to enter into contracts of an international nature
- How to interpret contracts and contract clauses
- Mandatory laws vs. non-mandatory law and contract law
- International conventions and their use
- Conclusion of contracts and standard terms in 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 required 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 reflecting 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 available in a period 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	36
In class case work with lecturer	9
Participation at assignment reviews by lecturer*	8
Preparation for lectures	60
Preparation for exams	84
Written exam	3
Total recommended use of time	200

Use of hours

36 hours - Lectures

9 hours - Case work and review in class

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 examinations are explained under examination information in the student portal @BI. Please note use of calculator and dictionary. https://at.bi.no/EN/Pages/Exa_Hjelpemidler-til-eksamen.aspx

Re-sit examination

Re-sit examination is offered every term.

Additional information