

**COURSE DATA****Data Subject**

<b>Code</b>	35250
<b>Name</b>	International commercial law
<b>Cycle</b>	Grade
<b>ECTS Credits</b>	4.5
<b>Academic year</b>	2020 - 2021

**Study (s)**

Degree	Center	Acad. year	Period
1303 - Grado de Derecho	Faculty of Law	4	First term

**Subject-matter**

Degree	Subject-matter	Character
1303 - Grado de Derecho	44 - International commercial law	Optional

**Coordination**

Name	Department
ESPINOSA CALABUIG, ROSARIO	65 - International Law 'Adolfo Miaja de la Muela'
TENT ALONSO, PEDRO	65 - International Law 'Adolfo Miaja de la Muela'

**SUMMARY**

International commerce Law is an optional subject of 4<sup>th</sup> course during one semester.

The charge of 4,5 credits are inside the international legal itinerary.

It is also a subject very connected with Private International law.

**PREVIOUS KNOWLEDGE****Relationship to other subjects of the same degree**

There are no specified enrollment restrictions with other subjects of the curriculum.

**Other requirements**

We recommend that the students who enroll in this course have previously completed the Private international law course.



## OUTCOMES

### 1303 - Grado de Derecho

- Recognise the importance of law as a system for regulating social relations.
- Know the content and application of each of the branches of the legal system.
- Understand the legal system as unitary and have an interdisciplinary perspective of legal problems.
- Know the community and international regulatory framework, its institutions and their functioning.
- Be able to use legal sources (legal, jurisprudential and doctrinal).
- Be able to read and interpret legal texts.
- Be able to communicate correctly both orally and in writing in the field of law.
- Be able to analyse legal problems and synthesise their approach and resolution.
- Develop critical awareness for the analysis of the legal system and develop the legal dialectic.
- Be able to use information and communication technology to obtain and select legal information.

## LEARNING OUTCOMES

### English version is not available

C1.- Ser capaz de utilizar el vocabulario, las fuentes y recursos jurídicos específicos del Derecho de comercio Internacional (relación con competencias específicas del grado E2, E6, E7, E8, E13).

C2.- . Ser capaz de comprender los principios básicos del Derecho del Comercio Internacional como sector específico del ordenamiento jurídico que regula las relaciones jurídicas privadas a nivel internacional de naturaleza mercantil(E: 1, 2, 3, 6).

C3.- Ser capaz de analizar críticamente las reglas del comercio internacional: usos y prácticas de los comerciantes (E: 2, 3, 6, 7, 8, 9, 10, 11)

C4.- Ser capaz de comprender y analizar críticamente la realidad “autorregulada” del comercio internacional: nueva Lex Mercatoria y mecanismos alternativos de resolución de controversias (E: 2, 3, 6,7,8,9,10,11)

## DESCRIPTION OF CONTENTS

### 1. International Commercial Law

I. INTRODUCTION.

II. INSTITUTIONS OF AN INTERNATIONAL CHARACTER.

III. INSTITUTIONS OF A REGIONAL CHARACTER.

IV. INTERNATIONAL COMMERCE AND THE CODIFICATION OF INTERNATIONAL COMMERCIAL LAW.

### 2. Lesson 2. Spanish legal regime of international commerce



- I. INTRODUCTION.
- II. CUSTOMS.
- III. IMPORT AND EXPORT PROCEDURE.
- IV. STOCK EXCHANGE.
- V. FOREIGN INVESTMENTS.
- VI. OFFICIAL EXPORT PROMOTION.

### **3. Lesson 3. Competition Law**

- I. THE REGULATION OF INTERNATIONAL FREE COMPETITION.
- II. EU COMPETITION LAW.
- III. INTERNATIONAL UNFAIR COMPETITION.

### **4. Lesson 4. The international protection of Intellectual Property Rights**

- I. CONCEPTS, GOALS AND GENERAL ASPECTS OF THE INTERNATIONAL PROTECTION OF INTERLLECTAL PROPERTY RIGHTS.
- II. INTERNATIONAL REGULATION.
- IV. EU REGULATIUN.

### **5. Lesson 5. Subjects participating in International Commerce**

- I. INTRODUCTION.
- II. PHYSICAL PERSONS.
- III. LEGAL PERSONS.

### **6. Lesson 6. The international dimension of companies**

- I. EUROPEAN SINGLE MARKET AND COMPANY LAW.
- II. RECOGNITION AND FREE ESTABLISHMENT OF COMPANIES.
- III. INTERNATIONAL MERGERS.

### **7. Lesson 7. International Contracts: general regime.**

- I. INTRODUCTION.
- II. THE ROME I REGULATION.

### **8. Lesson 8. International contracts. Some particular contracts.**

- I. INTRODUCTION.
- II. THE VIENNA CONVENTION ON THE INTERNATIONAL SALE OF GOODS 1980.
- III. COUNTERTRADE.
- IV. INCOTERMS 2010.

### **9. Lesson 9. International Insolvency Procedures.**



- I. INTRODUCTION.
- II. INTERNATIONAL JURISDICTION.
- III. APPLICABLE LAW.
- IV. RECOGNITION AND ENFORCEMENT OF FOREIGN JUDGEMENTS.

**10. Lesson 10. Dispute Resolution in International Commerce.**

- I. INTERNATIONAL JURISDICTION.
- II. ADR: INTERNATIONAL COMMERCIAL ARBITRATION.

**WORKLOAD**

ACTIVITY	Hours	% To be attended
Theoretical and practical classes	45,00	100
Development of group work	3,00	0
Development of individual work	3,00	0
Study and independent work	7,00	0
Readings supplementary material	4,00	0
Preparation of evaluation activities	31,50	0
Preparing lectures	6,00	0
Preparation of practical classes and problem	10,00	0
Resolution of case studies	3,00	0
<b>TOTAL</b>	<b>112,50</b>	

**TEACHING METHODOLOGY****English version is not available**

Contenidos teóricos. El profesor explicará de una forma dinámica los principales elementos, características y contenidos de la asignatura a través de explicaciones teóricas y prácticas. Para ello tendrá en consideración la importancia que asumen en este ámbito los usos y prácticas del comercio internacional.

Actividades prácticas. Los estudiantes analizarán jurisprudencia relevante así como modelos de contratos y documentos utilizados habitualmente en el comercio internacional.

Actividades complementarias. El profesor organizará seminarios y talleres en el marco de la asignatura. Estas actividades serán evaluadas a través de la "evaluación continua".

Actividades dirigidas. El profesor indicará y sugerirá la lectura de artículos, libros y jurisprudencia que ayuden al estudiante a una mejor comprensión de la asignatura.

Tutorías. Los estudiantes asistirán a tutorías que serán planificadas conjuntamente con el profesor.



## EVALUATION

Evaluation system.

Oral or written test consisting of one or more exams, which may have an objective nature and include theoretical and practical questions and/or practical cases.

Continuous assessment of each student, based on regular attendance and active participation in activities developed in class, such as resolution of practical cases or participation in workshops, delivery of papers and/or reports and/or oral presentations about such activities, either individually or in group, taking into consideration the degree of involvement and the effort done by the student in the teaching-learning process and his/her skills and attitude shown during the development of such activities.

Continuous assessment of each student, based on attendance to seminars and visits to entities; and, if applicable, delivery of papers/reports and/or oral presentations about the organized activity, either individually or in group, taking into consideration the degree of involvement and the effort done by the student in the teaching-learning process and his/her skills and attitude shown during the development of such activity.

## REFERENCES

### Basic

- Esplugues Mota, C., Palao Moreno, G., Espinosa Calabuig, R., Fernández Masiá, E., y Garín Alemany, F., Derecho del Comercio internacional, Valencia, Tirant lo Blanch, 10ªed., 2020.

### Additional

- Esplugues Mota, C., Palao Moreno, G., Espinosa Calabuig, R., Fernández Masiá, E., Legislación básica de Derecho del Comercio internacional, Valencia, Tirant lo Blanch, 5ª ed., 2011.

## ADDENDUM COVID-19

**This addendum will only be activated if the health situation requires so and with the prior agreement of the Governing Council**

PRESENIAL TEACHING MODEL: No significant changes are foreseen in the teaching methodology, which will be specified at the discretion of each lecturer.

BLENDED TEACHING MODEL: THEORETICAL-PRACTICAL CLASSES WITH ALTERNATE WEEKLY ATTENDANCE FOR STUDENTS. During the weeks of non-attendance autonomous work of students is foreseen, of a theoretical-practical nature, including activities such as practical cases, analysis of judgments, doctrinal readings, handbooks, ... etc. Each lecturer will specify the activities to be carried out in his/her group in the relevant Syllabus Annex.





**ONLINE TEACHING MODEL:** In case online classes must be set up due to the sanitary crisis, each lecturer will choose the channel through which he/she will continue to develop his/her academic obligations, which may include (even cumulatively) uploading materials at “Aula Virtual”, conducting BBC video conferences, organizing continuous assessment activities of different nature, etc.

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