

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

<b>Code</b>	35897
<b>Name</b>	International business law
<b>Cycle</b>	Grade
<b>ECTS Credits</b>	7.5
<b>Academic year</b>	2023 - 2024

**Study (s)**

<b>Degree</b>	<b>Center</b>	<b>Acad. year</b>	<b>Period</b>
1314 - Degree in International Business	Faculty of Economics	2	First term

**Subject-matter**

<b>Degree</b>	<b>Subject-matter</b>	<b>Character</b>
1314 - Degree in International Business	15 - Business legal environment	Obligatory

**Coordination**

<b>Name</b>	<b>Department</b>
O'FLYNN BRIGHT, ANDREW JOHN	70 - Mercantile Law 'Manuel Broseta Pont'

**SUMMARY**

All commercial relations have legal implications. International trade is not an exception. Therefore, the subject matter of this course on International Business Law will be the regulation of commercial relations between private parties when there is an international element involved. Thus, specific aspects of Private International Law, International Commercial Law and International Procedural Law will be studied.

**PREVIOUS KNOWLEDGE**



### Relationship to other subjects of the same degree

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

### Other requirements

The subject demands a special attitude from the student, since it is the only legal subject of the Degree on International Business. A prior knowledge of basic legal concepts would be advisable.

## OUTCOMES

### 1314 - Degree in International Business

- Develop the capacity to evaluate and critically analyse international economic phenomena and agents.
- Understand the structure and functioning of companies and organisations operating in an international context.
- Develop an ethical attitude in business, respecting human rights and the environment both in the country of origin of the company and in the different markets in which it operates.
- Understand the behaviour of economic agents and their interaction in global markets.
- Know the basic elements of the legislation regulating international economic, financial and fiscal operations.
- Tener una visión general de los aspectos jurídicos y legales que condicionan la actividad económica en general y de los derechos y obligaciones básicas de los agentes que operan en los distintos mercados.
- Conocimiento del estatuto jurídico del empresario y de las sociedades mercantiles.
- Conocimiento del régimen jurídico de la propiedad empresarial e industrial.
- Tener una visión general de las reglas jurídicas que condicionan la contratación internacional.
- Conocimiento del régimen jurídico de las inversiones en los mercados internacionales.
- Aprender las peculiaridades de los contratos internacionales más habituales.

## LEARNING OUTCOMES

- To be able to understand the main contents of legal documents related to the economic activity of a company.
- To know and use the legal concepts underlying business activity.
- To know the rules and regulations related to competition Law and to unfair competition Law.
- To understand the rules and regulations of international contracts and investments.



## **DESCRIPTION OF CONTENTS**

### **1. Institutional structure of International Commercial Law.**

- I. Introduction.
- II. Institutions of an International Character.
- III. Institutions of Regional Character: The EU.
- IV. International Commerce and the Codification of International Commercial Law.

### **2. International and European Competition Law.**

- I. The Regulation of International Free Competition.
- II. EU Competition Law.
- III. International Unfair Competition Law.
- IV. Towards the Internationalization of Competition Law.

### **3. The International Protection of Intellectual Property Rights.**

- I. Concepts, Goals and General Aspects of the International Protection of Intellectual Property Rights.
- II. International Regulation.
- III. EU Regulation.

### **4. Subjects participating in International Commerce.**

- I. Introduction.
- II. Individuals.
- III. Legal Entities.

### **5. The international dimension of Companies.**

- I. European Single Market and Company Law.
- II. Recognition and Free Establishment of Companies.
- III. International Mergers.

### **6. Lesson 6. International Contracts: General Regime.**

- I. Introduction.
- II. The Rome I Regulation.
- III. Electronic Commerce.



## **7. International Sales Contracts**

- I. Introduction.
- II. The 1980 Vienna Convention On The International Sale Of Goods.
- III. INCOTERMS 2010.

## **8. Other International Contracts.**

- I. International Insurance Contracts.
- II. International Distribution Agreements.
- III. International Contracts Related to Intellectual Property Rights.

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

- I. Introduction.
- II. International Jurisdiction.
- III. Applicable Law.
- IV. Recognition and Enforcement of Foreign Awards and Resolutions.

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

- I. Introduction.
- II. Civil Jurisdiction.
- III. ADR: International Commercial Arbitration.

## **WORKLOAD**

<b>ACTIVITY</b>	<b>Hours</b>	<b>% To be attended</b>
Theory classes	60,00	100
Classroom practices	15,00	100
Development of individual work	15,00	0
Study and independent work	60,00	0
Readings supplementary material	15,00	0
Preparation of evaluation activities	10,00	0
Preparing lectures	6,00	0
Resolution of case studies	6,50	0
<b>TOTAL</b>	<b>187,50</b>	



## TEACHING METHODOLOGY

The specific character of the subject and the specific regulation of International Trade demands an effort from both students and teacher:

### A) LECTURES (THEORETICAL PART).

The method to be applied in the lectures combines the explanations given by the lecturer with the reading and studying by the students of the course materials. Therefore, during the lectures the teacher will introduce the main theoretical topics, illustrating them with up-to-date examples, and students are expected to actively participate in the learning process by debating.

### B) CLASSES (PRACTICAL PART).

The aim of the classes is to allow the students to put into practice the analyzed theoretical concepts.

In any case, students should attend lectures and practical classes and participate actively and regularly with the adequate materials.

## EVALUATION

1) Students shall be assessed by an oral final exam and they should expect questions and problems similar to the ones developed in lectures, seminars and classes.

The exam shall necessarily assess both the theoretical and practical part. The practical part will have a value of 10% of the final qualification and the theoretical part will have a value of 70% of the final qualification.

2) The former notwithstanding, an active involvement of the students in the Course is expected. That means the following.

(i) First, Students must assist at a minimum of 8 out of the 11 practical sessions. Up to 5% of the final qualification.



(ii) Second, they must have an active participation in said practical sessions. Up to 15% of the final qualification.

Regardless of the general evaluation system (written or oral), the teacher may determine in the annex the possibility of changing the examination system when it is obliged to carry out the objective test on dates other than the official in application of the rules foreseen for the coincidence in the dates of examinations in the Regulation of evaluation and qualification of the Universitat de València.

## REFERENCES

### Basic

- Referencia b1: D'ARCY, L./ MURRAY, C./ CLEAVE, B., Schmitthoff's export trade: the law and practice of international trade, London, Sweet & Maxwell, 2000.
- Referencia b2: CARR, I., International Trade Law, London, Cavendish Publishing, 2009.
- Referencia b3: HARTLEY, T., International commercial litigation, Cambridge, Cambridge University Press, 2009.
- Referencia b4: CARR, I./ KINDNER, R., International Trade Law status and conventions, London, Cavendish Publishing, 2009.
- Referencia b5: ESPLUGUES MOTA, C., PALAO MORENO, G., ESPINOSA CALABUIG, R. Y FERNÁNDEZ MASIÁ, E., Derecho del Comercio Internacional, Valencia, Tirant lo Blanch, 2011 (5th ed.).
- Referencia b6: ESPLUGUES MOTA, C., PALAO MORENO, G., ESPINOSA CALABUIG, R. Y FERNÁNDEZ MASIÁ, E., Legislación básica de Derecho del Comercio Internacional, Valencia, Tirant lo Blanch, 2011 (5th ed.).

### Additional

- Referencia c1: VÁZQUEZ LÉPINETTE, Tomás, La compraventa internacional de mercaderías, un análisis jurisprudencial, Pamplona, Aranzadi, 2000.