



JOHN CABOT UNIVERSITY

COURSE CODE: "LAW 323-1"

COURSE NAME: "International Business Law"

SEMESTER & YEAR: Fall 2024SYLLABUS

INSTRUCTOR: Chiara Magrini

EMAIL: cmagrini@johncabot.edu

HOURS: MW 6:00 PM 7:15 PM

TOTAL NO. OF CONTACT HOURS: 45

CREDITS: 3

PREREQUISITES: Prerequisite: Junior Standing

OFFICE HOURS: By appointment

COURSE DESCRIPTION:

This course deals with legal aspects of international business transactions. The course introduces students to issues in international commerce, including requirements of a contract, international shipping terms, and liability of air and ocean carriers. The course will examine international and U.S. trade law, including GATT 1994, and the regulation of imports and exports. Finally, the course will familiarize students with various areas of regulation of international business, such as competition law, employment discrimination law, and environmental law.

SUMMARY OF COURSE CONTENT:

The course will start with the development of international law, the Convention on contracts for the International Sale of Goods and the main issue on international sales contracts (validity and formation of international sales contracts, warranty provisions, remedies for breach of contract, events beyond the control of the parties). It will, then, afford the following topics: the bill of lading, shipping terms and the risk of loss; the liability of international air carriers and liability for the carriage of goods by sea; the documentary letter of credit; import barriers to trade, the General Agreement on Tariffs and Trade, the World Trade Organization and the major principles of trade law (non-discrimination, most-favored-nation trade and national treatment); dumping and antidumping duties, unfair import laws (subsidies and countervailing duties); the administration of customs and other customs laws affecting U.S. imports; export controls (mechanics of the law, diversion and enforcement); general directions of labor law abroad, employment discrimination outside the U.S. and ethical issues in the employment of persons abroad; international antitrust law its basic regulatory framework and the distinctions of non-U.S. competition law; ethical and practical considerations of varying environmental requirements.

LEARNING OUTCOMES:

Upon successful completion of the course, students shall know the basic laws and principles of international business law. In particular, students shall be able to understand the development of international law and the formation, validity and performance of international sales contracts. The students shall become familiar with the main documents related to the sale of goods, such as the letter of credit; students will also have the opportunity to learn specific issues related to the regulation of exports and the regulation of import . Students will also analyze and understand, from an international point of view, the basic principles regulating employment discrimination law, environmental law and antitrust law. Upon successful completion of the course, students shall be able to identify and classify the main legal issues in international business law; furthermore, students shall be able to read a case and analyze the facts from the legal point of view, trying to solve the case applying the principles of law discussed in class; finally, upon successful completion of the course students shall be able to read and analyze a technical article from a legal journal and to present it in class.

TEXTBOOK:

NONE

REQUIRED RESERVED READING:

NONE

RECOMMENDED RESERVED READING:

NONE

GRADING POLICY**-ASSESSMENT METHODS:**

Assignment	Guidelines	Weight
Class presentation	The class presentations will be assigned as the term progresses, but will generally consist of scholarly articles provided by the professor and cases presented in the textbook or provided by the professor. The class presentation will be held by 2/3 students chosen by the professor.	10%
Class participation	Active participation in class is essential. Persistent absence or tardiness precludes satisfactory performance in the course, and jeopardizes this part of the grade. After the first TWO UNEXUSED ABSENCES, the students will lose 10% points of this part of the grade for each subsequent absence. The Dean of Academic Affairs Office may grant exemptions from this specific attendance policy in the case of a chronic medical condition or other serious problem, or in the case of exceptional students pursuing high-level activities in such areas as champion level competitions or professional artistic pursuits. Students seeking such an exemption must they must submit the Petition: Exemption from Instructor's Attendance Policies (link on Moodle).	5%
Research paper	The research paper, that will be a group research paper depending on the number of students in the class, shall be on a subject of interest of the students not necessarily included in the ones treated in the course but related to International Business Law, and it shall be presented to the class by each member of the group. Bibliography and footnotes are compulsory for a sufficient paper.	20%

Midterm exam	The midterm exam will consist of presenting the student with a case or set of facts, and requesting an analysis of the situation or transaction and possibly requesting a proposed solution or prediction of the outcome of the case. More general essay-type questions, in which the student is asked to discuss a particular area covered by the syllabus, may also appear. The professor is entitled to check the reasoning of the student in case of doubt/unclear answers/suspect of plagiarism with oral questioning.	25%
Final exam	The final exam is cumulative. The final exam will consist of presenting the student with a case or set of facts, and requesting an analysis of the situation or transaction and possibly requesting a proposed solution or prediction of the outcome of the case. More general essay-type questions, in which the student is asked to discuss a particular area covered by the syllabus, may also appear. The professor is entitled to check the reasoning of the student in case of doubt/unclear answers/suspect of plagiarism with oral questioning.	35%
Quizzes	During the semester quizzes will be assigned to students on material covered in class and on real case law. Perform quizzes in class when assigned is essential to succeed in the Midterm and in the Final exams. After the first TWO UNTAKEN QUIZZES the students will lose 10% points of this part of the grade for each subsequent untaken quiz. Unless specific exemptions (granted by the Dean of the Academic Affairs) apply, quizzes MUST be taken in class.	5%

-ASSESSMENT CRITERIA:

AAt the end of the term, students with 94-100 points will receive an A; 90-93 an A-; it is unlikely that more than a few students will fit into the A category. Students who are able to achieve this grade will: • show, by means of their written exams and their participation in class discussions, an understanding of the material we have covered, and recognize and apply the legal principles we have covered to a variety of fact patterns; • recognize the overall policy or purpose of a particular legal framework, and express a reasoned opinion about its efficacy; • be able to express themselves, both orally and in writing, clearly and concisely, and independently carry out legal research by means of Westlaw or other appropriate research tools; • generate and present a research paper that will be of educational value to themselves and to other students in the class.

BStudents who receive 87-89 points will receive a B+; 83-86 a B; 80-82 a B-; students who are better than average, but not excellent, will fit into the B category. Students who are able to achieve this grade will: • show, by means of their written exams and their participation in class discussions, that they have studied and understood the material we have covered, and apply legal principles to hypothetical fact patterns, even though they may not grasp the subtleties of the issue presented in all cases; • express themselves, orally and in writing, well enough to be understood, but with some disorganization; • effectively rely on research sources that are provided to them, even though they may not be able to independently generate their own research sources; • complete and present a research paper that will be interesting and educational to some other students in the class.

CStudents who receive 77-79 points will receive a C+; 73-76 a C; 70-72 a C-; average students will fit into the C category. Students in this category will: • show, by means of their written

exams and their participation in class discussions, that they have read the material we have covered, and perhaps memorized specific legal theories or provisions; • will express themselves, both orally and in writing, in ways that are difficult for the listener to understand, even though they might have a valid point to make; • present a research paper that merely summarizes other scholarly work.

DStudents who receive 67-69 points will receive a D+; 63-66 a D; 60-62 a D-; below average students will fit into the D category. Students in this category will: • show, by means of their written exams and their participation in class discussions, that they have read some of the material we have covered in the course; • will express themselves, both orally and in writing, in ways that are devoid of content with respect to the material that has been covered in the course; • will have difficulty in presenting a research paper.

FThis work fails to show any knowledge or understanding of the issues raised in the question. Most of the material in the answer is irrelevant. Students who receive fewer than 60 points will fail.

-ATTENDANCE REQUIREMENTS:

The University’s attendance policy is described in the catalogue. Persistent absence or tardiness usually precludes satisfactory performance in the course, and jeopardizes that part of the grade which is based on class presentation and participation (only up to two absences will be excused; each following absence will result in a 10% decrease of the relevant part of the mark). Students are expected to arrive at class on time; students are responsible for all material covered by the syllabus and/or discussed in class, whether or not they are actually present in class.

ACADEMIC HONESTY

As stated in the university catalog, any student who commits an act of academic dishonesty will receive a failing grade on the work in which the dishonesty occurred. In addition, acts of academic dishonesty, irrespective of the weight of the assignment, may result in the student receiving a failing grade in the course. Instances of academic dishonesty will be reported to the Dean of Academic Affairs. A student who is reported twice for academic dishonesty is subject to summary dismissal from the University. In such a case, the Academic Council will then make a recommendation to the President, who will make the final decision.

STUDENTS WITH LEARNING OR OTHER DISABILITIES

John Cabot University does not discriminate on the basis of disability or handicap. Students with approved accommodations must inform their professors at the beginning of the term. Please see the website for the complete policy.

SCHEDULE

Session	Session Focus (edition to be checked for reference to numbers of chapters)	Reading Assignment	Other Assignment	Meeting Place/Exam Dates
WEEK 1	The development of international law, the Convention on contracts for the International Sale of Goods, validity and formation of international sales contracts, warranty provisions, remedies for	CHAPTER 4		

	breach of contract, events beyond the control of the parties: excuses for nonperformance, cultural influences on contract negotiations.			
WEEK 2	The bill of lading, Payment and delivery risk, the documentary sale, shipping terms and the risk of loss.	CHAPTER 5		
WEEK 3	Bailment and common carriers, the liability of international air carriers, liability for the carriage of goods by sea, marine cargo insurance, carrier's liability for misdelivery.	CHAPTER 6		
WEEK 4	The bill of exchange, trade finance, the documentary letter of credit, countertrade.	CHAPTER 7		
WEEK 5	Import barriers to trade, the General Agreement on Tariffs and Trade, the World Trade Organization, GATT/WTO dispute settlement, GATT 1994: major principles of trade law, non-discrimination, most-favored-nation trade, and national treatment, GATT and the elimination of quotas.	CHAPTER 9		
WEEK 6	The double-edged sword of import regulation, unfair import laws: dumping and antidumping duties, unfair import laws: subsidies and countervailing duties, judicial review in international trade cases, unfair trade: the use of convict and forced labor.	CHAPTER 11		
WEEK 7	REVIEW AND MIDTERM	CHAPTERS 4,5,6,7 AND 9 (partly)		
WEEK 8	The administration of customs and tariff laws, dutiable status of goods, U.S. trade preferences for developing countries, other customs laws affecting U.S. imports.	CHAPTER 12		
WEEK 9	History of export controls, mechanics of the law, diversion, enforcement.	CHAPTER 13		

WEEK 10	General directions of labor law abroad, employment discrimination outside the U.S., ethical issues in the employment of persons abroad.	CHAPTER 19		
WEEK 11	Historical development of international antitrust law, basic regulatory framework, distinctions of non-U.S. competition law, extraterritorial effect of competition laws.	CHAPTER 21		
WEEK 12	The extent to which we will be able to cover this material will depend on number of students of the class and number of research papers . (Protection and licencing of intellectual property, intellectual property rights, international protection for patents, trademarks and other intellectual property, the mechanism of IPR transfer regulations).	(CHAPTER 17)		
WEEK 13&14	PRESENTATION OF RESEARCH PAPERS AND REVIEW			
WEEK 15	FINAL EXAM	CUMULATIVE		