

Course syllabus
Introduction into International Business Law

Title of course in Hungarian: Nemzetközi üzleti jogi alapismeretek

Language of instruction: English

Department: Department of Civil and Roman Law

Type of course: obligatory/elective

Level of programme: MA (LLM)

Number of lessons per week: 2 hours/week

Semester: I./II.

Credit point value: 3

Code of course:

Prior course(s) required: -

Course supervisor: Dr. Ádám Boóc, PhD., Associate Professor, Head of Department

Lecturer(s): Dr. Laurent Niddam

Course description, purpose of the course:

The course provides for the introduction into the regulation of international trade and business through international legal sources, including international agreements and other means of legislation, such as the various components of the new *lex mercatoria*. The course discusses the institutional aspects of law making and adjudication in international business law. The law focuses on both private and public law issues.

Course outline, description of acquired knowledge, skills and competences:

1. The differences between private law and public law components of international trade and business relations and the subject matters of regulation. The reasons for a separate regulation of international trade from domestic business.
2. The differences between procedural, conflict of laws and substantive law regulations and their impact on international trade relations
3. International organizations active in the regulation of the private law dimensions of international trade and business
4. The system of legal sources regulating contract law and other instrumentalities of conducting business: international conventions and their functioning in international business
5. The system of legal sources regulating contract law and other instrumentalities of conducting business: the concept of *lex mercatoria*
6. The system of legal sources regulating contract law and other instrumentalities of conducting business: the role and standing of case law, especially of international commercial arbitration
7. Basic principles in international business law affecting the application of legal sources
8. Main legal sources relating to the law of securities and general contract law and the international organizations active in these fields
9. Main legal sources relating to intellectual property law and specific contracts 1. and the international organizations active in these fields
10. Main legal sources relating to intellectual property law and specific contract 2. and the international organizations active in these fields
11. Internal *lex mercatoria*: international commercial codes and the application of domestic civil codes and other private law instruments in international business law. The standing of multi- and transnational corporations in international business law and specific company law and related provisions applicable to the settlement of foreigners for business purposes.

12. Regulating the public law dimensions of international trade in the field of trade in goods, services and intellectual property. Post World War Two achievements: institutional aspects. The GATT and the WTO: history, organizational structure, decision-making, dispute settlement.
13. The major substantive law provisions of the GATT: most favored nation treatment, national treatment, system of preferences, waiver clause, etc. Other important free-trade areas and the working of similar bi-lateral treaties.
14. The problems concerning the protection foreign property and investment. Nationalization and expropriation of foreign property in international law.
15. Means of investment protection: the Washington Convention and the ICSID, MIGA, international bi-lateral treaties and agreements, internal investment protection laws.

Interim course requirement(s):

Type of evaluation: exam evaluation/course performance evaluation

Method of evaluation: written/oral exam

Obligatory course materials:

Course Compendium on the Introduction into the Institutional Functioning of European Economic Integration and Legal Harmonization – A selection of study material (legal sources, court decisions, studies) designed for the course by the course lecturer(s). The Compendium is aimed at the use of the LL.M.program students solely and is not intended for commercial circulation. A copy of the Compendium is available to every student in the program.

Recommended additional sources:

- Hans van Houtte: *The Law of International Trade*, London : Sweet & Maxwell, 2001. 477 pages ISBN 978-0421764804
- Carole Murray [et al.].: *Schmitthoff's export trade : The law and practice of international trade* (11th ed.) London : Sweet & Maxwell, 2007. 953 pages ISBN 0-412-89280-3
- Ralph H.Folsom, Michael Wallace Gordon, John A.Spagnole, Jr.: *International business transactions : A problem-oriented coursebook* (11th ed.) St.Paul : West, 2012. 1392 pages ISBN 978-0314274465