



[IBLP\\_EAST INDIA.png](#)

## PRESENTATION

**Brief description:** The course in Transnational Commercial Law will explore the set of principles and rules, from whatever source, which governs international commercial transactions and is common to legal systems generally or to a significant number of legal systems. Over the past three decades the growth of transnational commercial law has been powered by a series of international conventions and protocols, model laws, restatements and contractually incorporated rules of international institutions, all designed to harmonise conflicting laws or business practices so as to ensure that all participants, in whatever country they may be, play by the same rules.

- **Titulación:** International Business Law Program, Grado en Derecho, Grado en Relaciones Internacionales
- **Módulo/Materia:** optatividad/derecho internacional de los negocios
- **ECTS:** 3
- **Curso, semestre:** segundo semestre
- **Carácter:** Optativa
- **Profesorado:** Petra Butler (Virginia University at Wellington)
- **Idioma:** Inglés
- **Aula, Horario:** The course will be delivered in an intensive format in the mornings during two weeks. Exact date and location to be determined. Please check WebUntis.

## COMPETENCIAS

De acuerdo con la **Memoria del Grado en Derecho**, las competencias que los estudiantes deben llegar a dominar asociadas a las asignaturas Optativas vinculadas al Internacional Business Law Program del que forma parte esta asignatura son las siguientes:

### Competencias básicas

CB1 - Que los estudiantes hayan demostrado poseer y comprender conocimientos en un área de estudio que parte de la base de la educación secundaria general, y se suele encontrar a un nivel que, si bien se apoya en libros de texto avanzados, incluye también algunos aspectos que implican conocimientos procedentes de la vanguardia de su campo de estudio.

CB2 - Que los estudiantes sepan aplicar sus conocimientos a su trabajo o vocación de una forma profesional y posean las competencias que suelen demostrarse por medio de la elaboración y defensa de argumentos y la resolución de problemas dentro de su área de estudio.

CB3 - Que los estudiantes tengan la capacidad de reunir e interpretar datos relevantes (normalmente dentro de su área de estudio) para emitir juicios que incluyan una reflexión sobre temas relevantes de índole social, científica o ética.

CB4 - Que los estudiantes puedan transmitir información, ideas, problemas y soluciones a un público tanto especializado como no especializado.



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CB5 - Que los estudiantes hayan desarrollado aquellas habilidades de aprendizaje necesarias para emprender estudios posteriores con un alto grado de autonomía.

## Competencias generales

CG1 - Poseer un conocimiento general de la disciplina y la metodología jurídicas que permita el ejercicio de actividades de carácter profesional en el ámbito del Derecho o la adquisición de los títulos complementarios exigidos por la ley para determinadas actividades profesionales.

CG2 - Expresar y transmitir adecuadamente ideas complejas que permitan comunicar, de manera oral y escrita, soluciones fundadas en Derecho a un público especializado o no.

CG3 - Localizar y gestionar correctamente las fuentes jurídicas, tanto legales, jurisprudenciales y doctrinales.

## Competencias específicas

CEE3 Conocer los principios teóricos generales del comercio nacional e internacional de forma que se lleguen a comprender los mecanismos jurídicos y económicos que intervienen en el comercio internacional.

## SYLLABUS

The course will in particular focus on the rules relating to international dispute resolution, transnational contract law, transnational payment and transport rules. The course will require as a pre-requisite the students' basic understanding of comparative law and different contract law regimes.

This 30-hours course be divided into the following modules:

- **Module I** (ca 12 hours)- Transnational contract law (for example, discussing private international law, in particular Rome I, the CISG and the UNIDROIT Principles but also the Limitation Convention, UNCITRAL texts and model laws on electronic commerce)
- **Module II** (ca 4 hours)- Payment (bill of lading, different payment methods such as letter of credit, UNCITRAL Model Law on International Credit Transfers (1992))
- **Module III** (ca 4 hours) – Transport, rules of direct or transit transportation from one country to another country or countries (UN Convention on the Carriage of Goods (Wholly or Partly) by Sea (Hamburg, 1978/ Rotterdam Rules, 2008) (the "Hamburg Rules"), The Montreal Convention 1999, INCO Terms, United Nations Convention on the Liability of Operators of Transport Terminals in International Trade 1991, Unit of account provision and provisions for the adjustment of the limit of liability in international transport and liability conventions, 1982)
- **Module IV** (ca 10 hours)- International Dispute Resolution (cross-border litigation in particular the Brussels Regulation, international arbitration, international mediation. This will include the New York Convention, the Singapore Convention, UNCITRAL Model Law on International Commercial Arbitration, online dispute resolution).

## EDUCATIONAL ACTIVITIES

- **Understanding** the "life" of a "not so perfect" international sales contract



- **Discussing** international sales law problems (in English)
- **Experiencing** another teaching method, especially Socratic teaching
- **Getting** more familiar reading English materials

The Distribution of the student's workload measured in hours is the following:	
Theory in class periods	15 hours
Practical in-class periods	15 hours
Seminars and personal tutoring	10
Evaluation	3
Personal study	35

## ASSESSMENT

### CONVOCATORIA ORDINARIA

- Reflection due on the first day of class 9 am - 15% of the final grade;
- Test, last day of class 5% of the grade;
- Participation throughout the course, 10% of the final grade;
- Final Exam, 70% of the final grade

### CONVOCATORIA EXTRAORDINARIA (JUNE)

- Final Exam, 100% of the final grade

### OFFICE HOURS

**Dra. Petra Butler** ([Petra.Butler@vuw.ac.nz](mailto:Petra.Butler@vuw.ac.nz))

- Despacho..... Edificio. Planta .....
- Previous message via email.

## BIBLIOGRAPHY

### Materials



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The material will be distributed in hardcopy in class, and you may also find it in the Contents section.

**Recommended Textbook:**

- *Commercial Law*, Penguin Group (2004) by Roy Goode, 4th Rev. Edition (2010).  
[Find it at the Library](#)
- William F Fox Jr, *International Commercial Agreements* (4th ed, Kluwer International, The Hague, 2009).
- JH Dalhuisen, *Dalhuisen on Transnational and Comparative Commercial, Financial and Trade Law* (4TH ed, Hart, 2010).
- In addition, students will be given handouts and case readings assigned from the course book, or which can be found in the Contents section that supplement the readings.