# Transnational Business Law

## Prof. Sara Dethridge

***COURSE AIMS AND INTENDED LEARNING OUTCOMES***

The course aims to equip students with the tools necessary to navigate aspects of commercial law in a transnational context, developing the skills required to identify and solve common issues arising in cross-border transactions. Starting with the foundations in contract law, the course will go on to cover a broad range of topics ranging from anti-trust, intellectual property, privacy and technology law, governance and sustainability, through to “soft law” issues such as cultural aspects of negotiations, business ethics and contract drafting. Attention will be paid principally to EU law, contrasted with other regimes including that of the USA, and other international conventions.

At the end of the course, students will:

* Be able to identify and interpret a broad range of legal and ethical issues relevant to different international business contexts (knowledge);
* Be able to recognise and analyse data arising in cross-border commercial transactions that reflect multicultural differences, and respond to associated legal questions and problems (intellectual skill);
* Acquire appropriate technical language and legal terminology in the use of information, which will enable one to speak with confidence and clarity in relation to legal issues in business (intellectual skill);
* Be able to evaluate and balance competing arguments and issues arising in specific commercial contexts in order to take necessary decisions using critical judgment (transferable skill).

***COURSE CONTENT***

Lessons will be dedicated to the study of commercial law in private transnational transactions. Specifically, the program will include the following topics arising in local and global business contexts:

*Module 1*

Contract law – Governing law and jurisdiction – International Sale of goods - Cross-border commercial contracts - Sources of Law (PIL) - Intellectual Property and Innovation – Insurance contracts – Dispute Resolution – Business Ethics and Corruption.

*Module 2*

Data Protection and Privacy – Harmonisation of Laws - Antitrust and Competition law - Cultural aspects of international negotiations – Cyber world – Technology contracts - Cross-border insolvency - Contract drafting workshop - International Arbitration, Corporate Governance and Sustainability

***READING LIST[[1]](#footnote-1)***

Transnational Commercial Law (Texts, Cases andMaterials) 2nd ed. by Goode, Knonke and McKendrick (Oxford University Press)

***TEACHING METHOD***

The method of teaching will be highly interactive, encouraging active participation from, and between students, including by asking questions, providing comments, debating issues and working through practical excercises in small groups. Case histories, business cases and real examples will be discussed during lessons to provide context and illustrate by example. Guests speakers will be invited from time to time to provide “real life” examples of the issues studied in class.

***ASSESSMENT METHOD AND CRITERIA***

Students can choose between a multiple assesssment route and a single assessment route.

*Multiple assessment route*

Students are evaluated by two written exams. The first interim exam, dealing with topics in Module 1, is taken at the end of Module 1. The second exam, dealing with topics in Module 2, is taken at the end of Module 2. Each written exam includes 10 multiple choice questions (max 10 points, i.e. 35% of the overall points), one open question (max 5 points, i.e. 15% of the overall points) and a short case study (max 15 points, i.e. 50% of the overall points). Students must achieve a pass (i.e. a mimum of 18 points) in each written exam. The final mark for the course will be the simple average grade of the two modules combined. Students who do not pass the multiple assessment route are evaluated according to the single assessment route.

*Single assessment route*

Students are evaluated by a combined written exam dealing with topics in Module 1 and Module 2. The exam includes 10 multiple choice questions (max 10 points, i.e. 35% of the overall points), one open question (max 5 points, i.e. 15% of the overall points) and a short case study (max 15 points, i.e. 50% of the overall points). Students must achieve a pass (i.e. a mimum of 18 points). Students can take this exam in one of the exam dates scheduled during the academic year.

*Assessment criteria*

Assessment criteria are published in Blackboard.

***NOTES AND PREREQUISITES***

*N. ECTS* - 8

*Enrollment requirements* – Basic knowledge in commercial and contract law is preferred. Students who do not have such knowledge are responsible for acquiring it to the extent necessary during the course.

*Language of instructions -* English

*Time*– I and II terms; 30 hours in class per module (60 hours in total).

*Attendance* – Attendance is strongly recommended.

*International dimension* – International teaching materials are used throughout the course.

*Business connection* – The course refers to contemporary business cases and examples to support the theoretical lecture material.

*Professional context* – Contracts are the building blocks of business. Global managers today are required to understand how contracts work and how to effectively negotiate cross-border deals, while documenting them with solid drafting. They also require grounding in business law concepts underpinning a wider variety of issues including intellectual property, antitrust, privacy, insolvency, and insurance in order to engage with the broad challenges facing general management in business, in addition to skills and strategies regarding the resolution of disputes. The awareness of cultural aspects of international negotiations and business ethics is also necessary in the international business context.

*Further information* – Additional information regarding the course schedule and delivery, learning assessment, expectation and policies, general announcements and additional course materials will be posted on Blackboard.

1. I testi indicati nella bibliografia sono acquistabili presso le librerie di Ateneo; è possibile acquistarli anche presso altri rivenditori. [↑](#footnote-ref-1)