



GUJARAT TECHNOLOGICAL UNIVERSITY

Syllabus for Master of Business Administration (Part-Time), 6th Semester

Functional Area Specialization: International Business

Subject Name: International Commercial Laws (ICL)

Subject Code: 4569941

With effective
from academic
year 2018-19

1. Learning Outcomes:

Learning Outcome Component	Learning Outcome (Learner will be able to)
Business Environment and Domain Knowledge (BEDK)	<ul style="list-style-type: none"> • <i>Analyze</i> the nature of international trade law within the structure of the international legal system, including the theory, relationships and influence of international laws.
Critical thinking, Business Analysis, Problem Solving and Innovative Solutions (CBPI)	<ul style="list-style-type: none"> • Critically <i>reflect</i> and <i>evaluate</i> recent and future developments in the field of international commercial law.
Global Exposure and Cross-Cultural Understanding (GECCU)	<ul style="list-style-type: none"> • <i>Consider</i> the roles played by international organisations including the United Nations, the World Trade Organisation, UNCTAD, UNCITRAL, ICC. • <i>Demonstrate</i> a cultural understanding of issues raised in international commercial law.
Social Responsiveness and Ethics (SRE)	<ul style="list-style-type: none"> • <i>Develop</i> and <i>express</i> high regards for ethical principles and the social context of international commercial laws.
Effective Communication (EC)	<ul style="list-style-type: none"> • <i>Develop</i> effective skills, both orally and in writing, in the construction of legal argument and analysis on issues of international trade law.
Leadership and Teamwork (LT)	<ul style="list-style-type: none"> • <i>Develop</i> or substantially <i>enhance</i> skills of independent learning, including the ability to plan, time-manage and execute a multi-stage project execution in a project team.

2. **Course Duration:** The course duration is of **40 sessions of 60 minutes each.**

3. Course Contents:

Module No:	Contents	No. of Sessions	70 Marks (External Evaluation)
I	<p>Introduction to Commercial Law:</p> <ul style="list-style-type: none"> • Nature of commercial law • Three definitions <ul style="list-style-type: none"> ○ Commercial law ○ Transnational commercial law ○ <i>Lex Mercatoria</i> • Transnational Commercial Law <ul style="list-style-type: none"> ○ Nature ○ Sources • <i>Lex Mercatoria</i> <ul style="list-style-type: none"> ○ Sources ○ General principles ○ Use in international commercial arbitration <p>Conflict of laws:</p> <ul style="list-style-type: none"> • Meaning and nature of conflict of laws • Issues 	10	18



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	<ul style="list-style-type: none"> ○ Jurisdiction ○ Rules v 'approaches' ○ Contracts ○ Property ○ Characterization ○ Public policy ● Comparative law, private law conventions 		
II	<p>Harmonization of Commercial Laws:</p> <ul style="list-style-type: none"> ● Meaning, reasons ● Instruments of international harmonization ● Institutions in the Harmonization of Commercial Law (preamble and general principles) <ul style="list-style-type: none"> ○ The Hague Conference on Private International Law ○ UNIDROIT ○ UNCITRAL ○ International Chamber of Commerce ● International Sales and Vienna Sale Convention <ul style="list-style-type: none"> ○ Genesis of the convention ○ Origin of CISG (Contracts for the International Sales of Goods) ○ Formation of contracts ○ Types of contracts covered ○ UNIDROIT principles of International Commercial Contracts ○ Role of Good Faith ○ Rights and duties of the parties ○ Remedies and Exemptions, <i>Force Majeure</i> 	10	17
III	<p>Carriage of Goods by sea:</p> <ul style="list-style-type: none"> ● Meaning and role of carriage in international trade ● Conflict of interests ● Laws regulating carriage by sea (general principles) <ul style="list-style-type: none"> ○ The Hague Rules, 1924 ○ The Hague – Visby Rules, 1968 ○ The Hamburg Rules, 1978 ○ The Rotterdam Rules, 2008 ● Bill of Lading <ul style="list-style-type: none"> ○ Functions ○ B / L as evidence of contract ○ B / L as a receipt ○ B / L as a document of title <p>Carriage of Goods by air:</p> <ul style="list-style-type: none"> ● International liability framework <ul style="list-style-type: none"> ○ Warsaw system of Conventions (brief) ○ Montreal Conventions, 1999 ○ Determination of applicable Convention 	10	18



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	<ul style="list-style-type: none"> ○ “international carriage” as per the Conventions ● Air Way Bill <ul style="list-style-type: none"> ○ Form and purpose ○ Consignor’s and consignee’s rights ○ Air carrier’s liability <p>Legal framework pertaining to Agency and Distribution:</p> <ul style="list-style-type: none"> ● UNIDROIT Convention on Agency ● UNIDROIT model Franchise Disclosure Law 		
IV	<p>International Law for E-Commerce:</p> <ul style="list-style-type: none"> ● UNCITRAL Model Law on E-Commerce ● The United Nations Conventions on the use of Electronic Communications in Electronic Contracts ● Electronic Transactions and security issues <p>International payments, dispute settlement and Insurance:</p> <ul style="list-style-type: none"> ● Rules of banking practice and ICC ● UCP and eUCP: Documentary Credits ● Uniform Rules for Demand Guarantees (URDG) <ul style="list-style-type: none"> ○ Purpose and nature ○ Different from L/C ● Marine and Aviation Insurance ● International Commercial Arbitration <ul style="list-style-type: none"> ○ Nature and distinguishing features ○ Arbitration and litigation ○ Applicability ○ UNCITRAL Model Law ○ Arbitral Awards 	10	17
V	<p>Practical: Select any topic/case related to international commercial law, study a topic/case involved and prepare a report under the guidance of your subject faculty.</p>	---	(30 marks CEC)

4. Pedagogy:

- ICT enabled Classroom teaching
- Case study
- Practical / live assignment
- Interactive class room discussions

5. Evaluation:

Students shall be evaluated on the following components:

	Internal Evaluation	(Internal Assessment- 50 Marks)
A	● Continuous Evaluation Component	30 marks
	● Class Presence & Participation	10 marks
	● Quiz	10 marks



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B	Mid-Semester examination	(Internal Assessment-30 Marks)
C	End –Semester Examination	(External Assessment-70 Marks)

6. Reference Books:

No.	Author	Name of the Book	Publisher	Year of Publication / Edition
1	Roy Goode, Herbert Kronke, Ewan McKendrick, Ewan Mckendrick	Transnational Commercial Law: Texts, Cases and Materials	Oxford Publication	2015 / 2 nd
2	Roy Goodey	Commercial Law	Oxford Publication	Latest Edition
3	Daniel C. K. Chow, Thomas J. Schoenbaum	International Business Transactions: Problems, Cases, and Materials (Aspen Casebook)	Wolters Kluwer Law & Business	2015 / 3 rd
4	Ralph Folsom, Michael van Alstine, Michael Ramsey	Principles of International Business Transactions	West Academic Press	2017 / 4 th
5	Larry A. Dimatteo	International Business Law and the Legal Environment: A Transactional Approach	Routledge	2016 / 3 rd

Note: Wherever the standard books are not available for the topic appropriate print and online resources, journals and books published by different authors may be prescribed.

7. List of Journals / Periodicals / Magazines / Newspapers / Web resources, etc.

1. Journal of International Commercial Law & Technology
2. International Commercial Law Review
3. Journal of International Trade Law and Policy & All the Journals of International Commercial Law.
4. https://www.nyulawglobal.org/globalex/Unification_Harmonization.html
5. Carriage of Goods by Air: https://unctad.org/en/Docs/sdtetlb20061_en.pdf