**HANOI LAW UNIVERSITY**

**FACULTY OF INTERNATIONAL TRADE AND BUSINESS LAW**

DEPARTMENT OF INTERNATIONAL LAW ON TRADE IN GOODS AND SERVICES

COURSE OUTLINE

INTERNATIONAL TRADE AND BUSINESS LAW

2017

I. COURSE INFORMATION

|  |  |
| --- | --- |
| Degree: | Bachelor of Law (High quality training) |
| Course: | International Trade and Business Law |
| Semester/Academic Year: | II/2017-2018 |
| Number of credits: | 03 |
| Lecture hours: | 26 credit hours |
| Seminar hours: | 11 credit hours |
| Team work hours: | 4 credit hours |
| Self-study hours: | 4 credit hours |
| Pre-requisite(s): |  |

II. LECTURERS AND ASSISTANTS INFORMATION

1. Lecturers

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| No | Name | Title | Email | Tel |
|  | Nguyen Thanh Tam | Ph.D | tam837@yahoo.com.vn | 04.37731787 |
|  | Nguyen Ba Binh | Ph.D | nguyenbabinh@hotmail.com | 04.37731787 |
|  | Nguyen Thi Anh Tho | M.A | nguyenanhtho0102@yahoo.com | 04.37731787 |
|  | Nguyen Huu Huyen | Ph.D | luat\_tmqt@yahoo.com | 04.37731787 |
|  | Ho Thuy Ngoc | A. Prof. Ph.D | luat\_tmqt@yahoo.com | 04.37731787 |
|  | Trinh Hai Yen | Ph.D | luat\_tmqt@yahoo.com | 04.37731787 |
|  | Dinh Anh Tuyet | M.A, Lawyer | luat\_tmqt@yahoo.com | 04.37731787 |
|  | Vo Le Nam | M.A, Lawyer | luat\_tmqt@yahoo.com | 04.37731787 |
|  | Others |  |  |  |

2. Assistants

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| No | Name | Title | Email | Tel |
|  | Tran Phuong Anh | M.A | phuonganhtran2107@gmail.com | 04.37731787 |
|  | Pham Thanh Hang | M.A | hangpham2728@gmail.com | 04.37731787 |
|  | Nguyen Thi Phuong Thao | M.A | Thao.idvn@gmail.com | 04.37731787 |
|  | Hà Thị Phương Trà | M.A |  | 04.37731787 |
|  | Ngô Trọng Quân | M.A |  | 04.37731787 |
|  | Others |  |  |  |

III. COURSE DESCRIPTION

This course will provide students with basic knowledge of various aspects and fields of international trade and business law, such as:

* Sources of International Trade and Business Law;
* WTO law, selected international law of trade in goods and services;
* International commercial law, international business transaction, international payment and international commercial dispute resolution.

IV. LEARNING OBJECTIVES

Upon completion of this course, students will be able to:

1. Practice legal English specializing in international trade and business law.
2. Understand key concepts of international trade and business law; be able to apply selected international trade and business law to solve some cases.
3. Have critical and comparative thinking.
4. Practice basic lawyering skills, such as legal writing, practical research and legal oral communication.
5. Practice other personal skills, such as teamwork and leadership skill, intercultural communication skill, ...

**V. TOPICS**

Topic 1: Introduction to International Trade and Business Law

Topic 2: World Trade Organization (WTO)

Topic 3: International Business Law

VI. DETAILED CONTENTS OF THE COURSE

Topic 1: Introduction to International Trade and Business Law

1. Overview of International Trade and Business Law
2. Actors of International Trade and Business Transactions
   1. International Organizations
   2. States
   3. Businesses
   4. Individuals
3. Sources of International Trade and Business Law
   1. Domestic Law
      1. Legislation
      2. Domestic Case Law
      3. Others
   2. International Law
      1. International Treaties
      2. International Customs
      3. The General Principles of Law
      4. International Case Law
      5. Others

Topic 2: World Trade Organization (WTO)

1. Overview
   1. Historical Development of the Multilateral Trade System
   2. The Agreement Establishing the WTO
   3. Objectives of the WTO
   4. Functions of the WTO
   5. Institutional Structure of the WTO
   6. Membership and Accession
2. Some Basic Principles of the WTO
   1. Trade without Discrimination
      1. Most Favoured Nation
      2. National Treatment
   2. Freer Trade: Gradually, through Negotiation
   3. Predictability: through Binding and Transparency
   4. Promoting Fair Competition
   5. Encouraging Development and Economic Reform
   6. Others
3. Agreements on Trade in Goods
   1. General Agreement on Trade and Tariff 1994 (GATT 1994)
   2. Agreement on Agricultural (AoA)
   3. Technical Barriers to Trade Agreement (TBT Agreement)
   4. Sanitary and Phytosanitary Measures Agreement (SPS Agreement)
   5. Antidumping Agreement (ADA)
   6. Subsidies and Countervailing Measures Agreement (SCM Agreement)
   7. Safeguard Measures Agreement (SA)
4. General Agreement on Trade in Service (GATS)
5. Dispute Settlement Mechanism

Topic 3: International Business Law

1. Rules Governing International Sale of Goods
   1. United Nations Convention on Contracts for the International Sale of Goods (CISG 1980)
      1. Introduction to the CISG 1980
      2. The Scope of Application and Opting out of the CISG
      3. Forms of Contract
      4. Formation of Contract
      5. Seller’s Obligation and Remedies for Breach of Contract by the Sellers
      6. Buyer’s Obligation and Remedies for Breach of Contract by the Buyers
   2. International Commercial Terms (INCOTERMS)
   3. International Payment
      1. Overview
      2. Rules Governing International Payment
2. Methods of International Commercial Dispute Resolution
   1. Negotiation
   2. Mediation
   3. Arbitration
   4. Litigation
   5. Others

VII. READINGS

**Compulsory Readings:**

1. Hanoi Law University, *International Trade and Business Law Textbook*, the People’ Public Security Publishing House, Hanoi, 2012 (this Bilingual Textbook was published within framework of the Viet Nam - MUTRAP Project III).
2. UNCTAD course’s documents at:

http://unctad.org/en/Pages/DITC/DisputeSettlement/Courses.aspx

**Others:**

**\* Books**

# Raj Bhala, *International Trade Law - Interdisciplinary Theory and Practice*, LexisNexis Publisher, third version, 2007 (Loose-leaf version).

# [Peter Van den Bossche](https://www.amazon.com/s/ref=dp_byline_sr_book_1?ie=UTF8&text=Professor+Peter+Van+den+Bossche&search-alias=books&field-author=Professor+Peter+Van+den+Bossche&sort=relevancerank), *The Law and Policy of the World Trade Organization: Text, Cases and Materials*, Cambridge University Press; third edition (September 23, 2013).

# WTO Secretariat, *Understanding the World Trade Organization*, 2003 (WTO - www.wto.org).

# John H. Jackson, *The World Trading System, Law and Policy of International Economic Relations*, 2nd edn, 2002.

**\* Vietnamese legislation**

1. Vietnamese Civil Code 2015 passed on November 24th 2015.
2. Vietnamese Civil Procedure Code 2015 passed on November 25th 2015.
3. Vietnamese Law on Public Investment passed on June 18th 2014.
4. Vietnamese Investment Law passed on November 26th 2014.
5. Vietnamese Law on Enterprises passed on November 26th 2014.
6. Vietnamese Commercial Law passed on June 14th 2005.
7. Vietnamese Law on Commercial Arbitration passed on June 17th 2010.
8. The Prime Minister’s Decision No. 40/QĐ-TTg on January 7th 2016 on “Overall Strategy for International Integration through 2020, Vision to 2030”.
9. Law on Foreign Trade Management, 2017

**\* International Law**

# Report of the Working Party on the Accession of Viet Nam and Viet Nam’s WTO Commitments.

# Convention on the Recognition and Enforcement of Foreign Arbitral Awards of Foreign Arbitral Awards (New York, 1958) (the "New York Convention").

# Convention on the Law Applicable to Contractual Obligations (Rome 1980).

# United Nations Convention on Contracts for the International Sale of Goods (Vienna, 1980) (CISG).

# Marrakesh Agreement Establishing the WTO1994 and its annexes.

# INCOTERMS 2010.

7. UCP 600; ISBP 745

**\* Websites**

* + 1. <http://www.wto.org>
    2. http://www.uncitral.org
    3. http://unctad.org
    4. http://www.unidroit.org
    5. http://[www.wipo.int](http://www.wipo.int.com)
    6. http://www.worldtradelaw.net
    7. http://www.mutrap.org.vn
    8. http://[www.doingbusiness.org](http://www.doingbusiness.org)
    9. http://chongbanphagia.vn
    10. <http://www.chinhphu.vn>
    11. http://www.mof.gov.vn
    12. http://www.mofa.gov.vn
    13. http://www.moit.gov.vn

**VIII. TEACHING AND LEARNING METHODS/APPROACHES**

A combination of different teaching and learning methods, including: Lectures; Socrates; Case study; Workshop; Teamwork presentation; Others.

Students are required to prepare the topics before attending class and to actively participate in class discussion.

VIII. COURSE SCHEDULE/TEACHING PLAN

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Week** | **Topic** | **Lecture** | **Seminar** | **Team work** | **Self-study** | **Assignment** | **Total of credit hours** |
| 0 |  | 2 |  |  |  | Receiving assignments |  |
| 1 | 1 | 2 |  | (2) |  |  | 3 |
| 2 | 1 | 2 |  |  | (3) |  | 3 |
| 3 | 2 | 2 | (2) |  |  |  | 3 |
| 4 | 2 | 2 |  |  | (3) |  | 3 |
| 5 | 2 |  | (2) | (2) | (3) | Submitting 1st individual assignment | 3 |
| 6 | 2 | 2 | (2) |  |  |  | 3 |
| 7 | 2 | 2 | (2) |  |  |  | 3 |
| 8 | 2 | 2 | (2) |  |  |  | 3 |
| 9 | 2 | 2 | (2) |  |  |  | 3 |
| 10 | 2 |  | (2) | (2) | (3) | Submitting 2nd individual assignment | 3 |
| 11 | 3 | 2 |  | (2) |  |  | 3 |
| 12 | 3 | 2 | (2) |  |  |  | 3 |
| 13 | 3 | 2 | (2) |  |  |  | 3 |
| 14 | 3 | 2 | (2) |  |  | Submitting teamwork paper | 3 |
| 15 | 3 | 2 | (2) |  |  | * Teamwork oral presentation * Submitting semester assignment | 3 |
| **Total of credit hours** | | **26** | **11** | **4** | **4** |  | **45** |

**IX. ASSESSMENT**

|  |  |  |  |
| --- | --- | --- | --- |
| No | Type of assignment | Rate | Requirements |
|  | 02 Individual Assignments | 10% | * Form: In-class exam. * Content: Questions relating to the knowledge that students have learnt. |
|  | 01 teamwork paper and oral presentation | 10% | * Form: 3-5 page Essay (Appendix included, if any). * Content: Questions relating to the knowledge of whole course. |
|  | 01 Semester Assignment | 10% | * Form: 3-5 page Essay (Appendix included, if any). * Content: Questions relating to the knowledge of whole course. |
|  | Final exam | 70% | * Form: Multiple choice test |
|  | Total | 100% |  |

X. OTHER REQUIREMENTS

- Plagiarism in any forms will result in FAIL for the related academic work.

- Cheating on any exam also results in FAIL to the student who commits the cheating and to the person who allows others to copy his/her work.

- No excuses for the ignorance of the guidelines for academic works set by Hanoi Law University.