

Module Study Guide

Academic Year 2020–2021

IBL – International Business Law

Level: 7

Credits: 10 ECTS; 20 UK credits

Academic Partner: Marbella International
University Centre (MIUC)

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Chief Academic Officer responsible for this module is Mirjana Stefanovic, and can be contacted at m.stefanovic@miuc.org

The External Examiner responsible for this module is Dr Keith Salmon (Reader, University of Hertfordshire) for International Business and International Relations courses and Dr. Ana Gaio (Programme Director MA Culture, Policy and Management, City University of London) for Marketing and Advertising course.

The Academic Partner Link-Tutor responsible for this module is Maryvonne Lumley (for International Business and International Relations courses) and Matilde Nardelli (for Marketing and Advertising course), and can be contacted at Maryvonne.Lumley@uwl.ac.uk and Matilde.Nardelli@uwl.ac.uk

1 Module overview

1.1 Introduction, aims and summary of content

The International Business Law module provides you with a succinct exposition of the general principles of international commercial law.

This module is designed to give you an introduction to legal issues concerning business and it is suitable for those wanting a single module on the legal issues encountered by business enterprises. An understanding of international business law and its operation will aid both those who make business decisions and those who advise others on business decisions. The goal of this module is not to impart technical legal knowledge, but to enhance the judgment you will bring to the responsibilities as entrepreneurs, managers, and consultants.

This module commences with the basic principles governing contract law, company law, and insolvency law. Along the way, we examine a wide range of law-sensitive issues including, competition law, employment and consumer law for business, intellectual property law, and international trade law. Aspects of international business dispute resolution will also be considered. These topics are chosen to illustrate the commercial and practical problems arising in different market sectors.

This module will run throughout the semester (14 weeks).

1.2 Learning outcomes to be assessed

Upon completion of this module students will be able to:

LO1 Develop in-depth knowledge and skills in the systematic understanding of specific legal areas relating to business.

LO2 Apply critically business law principles to a wide range of commercial transactions.

LO3 Understand and investigate critically the policies that drive legal developments within a commercial context.

LO4 Identify and examine critically the legal implications of business activities.

1.3 Scheduled contact hours

Teaching Contact Hours	56 hours
Independent Study Hours	144 hours
Total Learning Hours	200 hours

2 Assessment and feedback

2.1 Summative assessment grid

Type of Assessment	Word Count or equivalent	Threshold (if Professional Body-PSRB applies)	Weighting	Pass Mark	Submission due-date & time	Method of Submission & Date of Feedback
A1: Written Examination In-class Exercise 1	10 multiple choice test questions/20 minutes	n/a	10 %	50%	Week 4 (date and time TBC)	Via NEO LMS & 5 working days after in-class exercises
A2: Written Examination In-class Exercise 2	10 true or false test questions/20 minutes	n/a	10 %	50%	Week 8 (date and time TBC)	Via NEO LMS & 5 working days after in-class exercises
A3: Written Examination In-class Exercise 3	5 definitions/30 minutes	n/a	10 %	50%	Week 13 (date and time TBC)	Via NEO LMS & 5 working days after in-class exercises
A4: Written Assignment Article for Student Legal Research Journal	2800 words (+/-10%)	n/a	70%	50%	Week 15 (date and time TBC)	Via NEO LMS & 10 working days after the assessment

2.2 Assessment brief including criteria mapped to learning outcomes

2.2.1 Assessment 1. In Class Exercise: Multiple Choice Test.

This in-class exercise intends to assure your understanding of the main principles of law covered throughout the module. There will be 10 Multiple Choice Test Questions.

Assessment criteria for Assessment 1 (LO1- LO3 will be assessed)

2.2.2 Assessment 2. In Class Exercise: True or False.

This in-class exercise intends to assure your understanding of the main principles of law covered throughout the module. The in class exercise will cover the assigned cases, as well as material from class lectures and other assigned reading material covered during the term. There will be 10 True or False Test Questions.

Assessment criteria for Assessment 2 (LO1- LO3 will be assessed)

2.2.3 Assessment 3. In Class Exercise: Definition.

This in-class exercise intends to assure your understanding of the main principles of law covered throughout the module. The in class exercise will cover the material from class lectures and other assigned reading material in the textbooks. There will be 5 legal concepts that will have to be defined.

Assessment criteria for Assessment 3 (LO1- LO3 will be assessed)

Assessment criteria for Assessment 1 - 3:

- ❖ **Knowledge and Understanding:** Students should develop an understanding of common law and civil law approach to business law and to global business.
- ❖ **Cognitive Skills:** Students should be able to relate discussions concerning global business to developments in business law and evaluate the business law's understanding of global business environment).
- ❖ **Practical and Professional Skills:** Students should be able to discuss issues relating to international business law authoritatively and articulately in a written and oral manner, showing a thorough comprehension of the relationship between law and global business environment.
- ❖ **Transferrable and Key Skills:** In a society where law is much debated, students will acquire a capacity for informed debate, i.e., analysis of complex legal problems, devising legal strategies, working with the law in real-life contexts.

Assessment 4: Article for Student Legal Research Journal

In this assessment, you are required to write a notable article for Student Legal Research Journal dedicated to showcasing research on the chosen topic. It will give students the opportunity to develop the critical thinking skills needed to succeed in academia and in future career. A sample list of a topics will be provided by the module leader. However, you are free to select topics that are not on a list and it should be agreed on with module leader.

Final Article for a student journal article must satisfy the work count requirement, exclusive of title page, table of contents, and reference pages, and must include at least 10 unique references.

Assessment criteria for Assessment 4 (LO1- LO4 will be assessed)

KNOWLEDGE AND UNDERSTANDING (30 %)

The student has an outstanding knowledge and understanding of the material and displays mastery of a complex and specialized area of knowledge, with exceptional critical awareness of current problems and new insights in law. Moreover the student demonstrates in depth and breadth of coverage, as well as awareness of the nature of the topic in the chosen article.

COGNITIVE SKILLS (30 %)

The student shows an outstanding ability to evaluate methodologies critically and to propose new hypotheses. The student is able to deal with a range of complex issues, making excellent judgments.

PRACTICAL AND PROFESSIONAL SKILLS (30%)

The student should be able to employ advanced skills to conduct research, displaying an exceptional grasp of techniques applicable to own research and advanced scholarship. The student shows originality in the application of knowledge and excellent understanding of how established techniques of enquiry create and interpret knowledge in the discipline. The student is able to evaluate critically, with exceptional insight, a range of literature related to the current research and advanced scholarship in the legal discipline.

TRANSFERRABLE AND KEY SKILLS (10 %)

The Research Paper presents minimal grammatical errors and uses a good writing style. Ideas are communicated in written form at a very high level to specialist audiences.

For guidance on online submission of assignments, including how to submit and how to access online feedback, please refer to the MIUC Learning Management System student guideline.

2.3 Learning materials

The reading list for this module is available on MIUC Learning Management System in the module area.

2.3.1 Core textbook(s):

Goode, R. (2016) Commercial Law. 5th ed. London: Penguin. (selected chapters from the book)

Rose, F. (2015) *Nutshells Company Law*. 9th ed. Sweet and Maxwell.

Bell, A. C. (2012) *Nutshells Employment Law*, 5th ed. Sweet and Maxwell.

Dennis, S. and Koenig, C. (2011) *European Competition Law in a Nutshell: A Concise Guide*. Lexxion.

Wilson, C. (2009) *Nutshells: Intellectual Property Law Revision Aid and Study Guide*. Sweet and Maxwell.

2.3.2 Other recommended reading:

Stephan, P. B. (1998). Futility of Unification and Harmonization in International Commercial Law, *The. Va. J. int'l L.*, 39, 743.

Zerk, J. A. (2006). *Multinationals and corporate social responsibility: Limitations and opportunities in international law* (Vol. 48). Cambridge University Press.

Easterbrook, F. H. (1997). International corporate differences: Markets or law?. *Journal of Applied Corporate Finance*, 9(4), 23-30.

DiMatteo, L. A. (1997). International Contract Law Formula: The Informality of International Business Transactions Plus the Internationalization of Contract Law Equals Unexpected Contractual Liability, *L=(ii) 2, An. Syracuse J. Int'l L. & Com.*, 23, 67.

Bonell, M. J. (2009). *An international restatement of contract law: the UNIDROIT Principles of International Commercial Contracts*. Martinus Nijhoff Publishers.

Lando, O. (2005). CISG and Its Followers: A Proposal to Adopt Some International Principles of Contract Law. *The American Journal of Comparative Law*, 53(2), 379-401.

Rösler, H. (2007). Hardship in German codified private law: in comparative perspective to English, French and international contract law. *European Review of Private Law* (ERPL), 15, 483-513.

Cass, D. Z. (2001). The 'constitutionalization' of international trade law: judicial norm-generation as the engine of constitutional development in international trade. *European Journal of International Law*, 12(1), 39-75.

Bhala, R. (1998). Myth about Stare Decisis and International Trade Law (Part One of a Trilogy), *The. Am. U. Int'l L. Rev.*, 14, 845.

Stuyck, J. (2000). European consumer law after the Treaty of Amsterdam: Consumer policy in or beyond the internal market?. *Common Market Law Review*, 37(2), 367-400.

Sobczak, A. (2006). Are codes of conduct in global supply chains really voluntary? From soft law regulation

of labour relations to consumer law. *Business Ethics Quarterly*, 16(02), 167-184.

Schu, R. (1997). The Applicable Law to Consumer Contracts Made Over the Internet: Consumer Protection Through Private International Law?. *International Journal of Law and Information Technology*, 5(2), 192-229.

Waddington, L. B., & Diller, M. (2002). Tensions and coherence in disability policy: the uneasy relationship between social welfare and civil rights models of disability in American, European and international employment law. *Disability Rights Law and Policy, International and National Perspectives*, 241-280.

Dowling Jr, D. C. (2001). The Practice of International Labor & Employment Law: Escort Your Labor/Employment Clients into the Global Millennium. *The Labor Lawyer*, 1-23.

First, H. (2000). Vitamins Case: Cartel Prosecutions and the Coming of International Competition Law, *The Antitrust LJ*, 68, 711.

Lloyd, P. J. (1998). Multilateral Rules for International Competition Law?. *The World Economy*, 21(8), 1129-1149.

Noonan, C. (2008). The emerging principles of international competition law. OUP Catalogue.

Maher, I. (2002). Competition law in the international domain: Networks as a new form of governance. *Journal of Law and Society*, 29(1), 111-136.

Howell, J. L. (2008). International Insolvency Law. *The International Lawyer*, 113-151.

Westbrook, J. L. (1996). Creating International Insolvency Law. *Am. Bankr. LJ*, 70, 563.

Glosband, D. M., & Katucki, C. T. (1990). Current Developments in International Insolvency Law and Practice. *The Business Lawyer*, 2273-2280.

D'Amato, A. A., & Long, D. E. (Eds.). (1997). *International intellectual property law*. Kluwer law international.

Raustiala, K. (2006). Density and conflict in international intellectual property law. *UC Davis L. Rev.*, 40, 1021.

Remember to log into MIUC Learning Management System daily to receive all the latest news and support available at your module sites!

3 Things you need to know

3.1 Engagement

During the academic year 2020-21, the health, welfare and safety of all our students and staff is our top priority as Spain continues to deal with the ongoing implications of the COVID-19 outbreak.

Face to-face-teaching, access to MIUC facilities and being part of our unique University community are key parts of the excellent student experience at MIUC. We have been working to create a safe and efficient plan that will allow us to deliver these elements when you start with us in the fall semester, subject to government regulation.

MIUC will be ready to teach in September and we are committed to engaging with you as closely as we can, and to ensuring that you have a rich educational experience that is safe and protected to ensure that you continue to get the most from the University life and the city of Marbella.

Whether you are engaging with teaching and learning activities on site or via the MIUC Virtual Learning Environment, we expect the same level of commitment and engagement from you. If you are unable to attend scheduled on site or online activities or complete activities in the timeframes set out, you should let your module leaders know. You should aim to stick to assessment deadlines; if you are concerned that you will not be able to complete your assessments on time, you should talk to your module leaders. Your engagement, whether online or on site, will be tracked and if we see that you are not engaging, we will get in contact with you. However, we encourage you to let us know if you are struggling so we can work with you to find solutions and get you back on track as soon as possible. Give yourself the best possible chance to succeed by engaging with the full range of learning and teaching activities available to you.

3.2 Need help, just ask

The University recognises that there are times when you may encounter difficulties during your course of study and provisions are made to help you. If you are struggling with meeting deadlines please talk to us, whether it's your course/module leader, personal tutor or any member of staff, speak to them so they can get you the support you need to succeed. You can extend your deadline if you have a good reason why you are not able to submit a piece of coursework on time, [apply online for an extension](#) before your deadline. An extension will allow you an extra 10 working days. If an extension is not sufficient and circumstances beyond your control are preventing you from completing your assessment, then you can, [apply online for mitigation](#).

Please remember late submission without extension or mitigation will result in penalties depending on how late it is, see [Academic Regulations](#).

You are reminded that MIUC applies penalties to students who commit an academic offence, in which case the Academic Offences Regulations will be used to deal with any cases of academic misconduct including examination offences, plagiarism and other means of cheating to obtain an advantage.

You are encouraged to seek advice from the Students' Union and counselling service which support you with all aspects of your academic experience by providing advice and guidance to ensure you are fully informed of the academic regulations as well as advocate for student views.

You are expected to behave in line with University expectations, irrespective of whether your interactions with staff and other students are in person or online. As you will be engaging with others

online and a range of online materials, it is important to consider how to stay safe online and ensure your communications are secure and appropriate. If you have any questions about how to manage your online activities, please contact your module leader.

If you have an issue about the module, you should speak to your Module Leader or Course Leader informally in the first instance. Your Course Representative can also raise your concerns at Course Committees, which take place each semester. If you are unable to resolve it informally, you should refer to the Complaints Procedure which is outlined in the student handbook and consult the Students' Union about it. The University aims to ensure that issues are resolved informally as quickly as possible to have minimum impact on your studies.

3.3 Getting support for your studies

Throughout your course of study, you will have access to a wide variety of sources of support depending on your individual circumstances and needs. Your first point of call for getting general academic support is your Personal Tutor. As well as approaching your Module Leader with any questions specifically related to your module and your Course Leader with questions on your Course, do contact your Personal Tutor for academic advice in relation your studies and your academic development.

Apart from the University-wide support framework, which encompasses the Module Leaders, Course Leader, the Subject Librarian and your Course Administrator, you will also have at your disposal the MIUC Academic Support Team. The Team offers Academic Skills Workshops throughout the year, helping you to develop skills relevant to your degree. Workshops include for instance Essay Planning and Writing; Critical Thinking; Reflective Writing; Group Work and Presentation Skills.

English Language support and One-to-one academic support opportunities are also available. For information about all these services, please consult the Academic Office.

3.4 Student support

In addition to the support listed in the previous section, there is also more help offered by MIUC Student services, consisting of Student Life Department, Internship Support, Life Coaching Service and Counselling service. They offer a wide range of support and services consisting of extracurricular activities; Careers and internship support; Student Welfare and Counselling.

Contact Student Services for more information at:

Student Life Department: student.life@miuc.org

Internship Support: cristina@miuc.org

Life Coaching Service: Ms. Ana Cantle, ana.cantle@miuc.org

Counselling Service: Ms. Eva Berkovic, eva@miuc.org

3.5 Module evaluation – have your say!

Towards the end of the module you will be invited to provide some anonymous feedback to the Module Leader through a (online) survey. This is your opportunity to give some direct feedback about the module through a series of questions and free text. Your constructive feedback will help the Module Leader and teaching team to understand the module experience from your perspective and helps inform the development of the module.

1. Weekly Content of the module

Week 1	Content	Introduction to International Business Law.
	Key concepts / issues	Review syllabus & course calendar.
	Learning and teaching	Class lecture and discussion.
	Pre session reading	Readings on Blackboard.
	Literature for this session	McKendrick (2016) R. Goode on Commercial Law. 5th ed. London: Penguin. Chapters 1, 40.
	Independent study	Students may begin work on the in class presentation assignment.
Week2	Content	Basics of International Contract Law.
	Key concepts / issues	The formation of a contract Main points that need to be addressed: <ul style="list-style-type: none"> • Agreement • Offer and acceptance • Certainty and agreement mistakes • Consideration and form • Intention to create legal relations • The content of a contract
	Learning and teaching	Class lecture and in-class contract negotiating and drafting exercise.
	Pre session reading	Readings on Blackboard.
	Literature for this session	McKendrick (2016) R. Goode on Commercial Law. 5th ed. London: Penguin. Chapter 3.
	Independent study	Students may begin work on the in class presentation assignment.
Week 3	Content	Principles of Corporate Law

	Key concepts / issues	Separate legal personality Limited liability Corporate Governance
	Learning and teaching	Tutorials and in class analysis of corporate documents.
	Pre session reading	Readings on Blackboard.
	Literature for this session	Francis Rose (2015) Nutshells Company Law. 9th ed. Sweet and Maxwell.
	Independent study	Students should work on the in class presentation assignment.
Week 4	Content	3.6 Consumer Law for Business. Summative Assessment: In Class Exercise.
	Key concepts / issues	A consumer guarantees regime. As unfair contract terms regime.
	Learning and teaching	Discussion and role play.
	Pre session reading	Readings on Blackboard.
	Literature for this session	Sandra Silberstein (2007) Nutshells Consumer Law. 5th ed. Sweet and Maxwell.
	Independent study	Students should work on the in class presentation assignment.
Week 5	Content	Employment Law for Business
	Key concepts / issues	The nature and purpose of both voluntary and legal regulation in general The principles that underpin employment and discrimination

		law The various roles of courts, tribunals and statutory agencies
	Learning and teaching	Tutorials.
	Pre session reading	Readings on Blackboard.
	Literature for this session	Andrew C. Bell (2012) Nutshells Employment Law, 5th ed. Sweet and Maxwell.
	Independent study	Students should work on the in class presentation assignment.
Week 6	Content	Basics of Competition Law
	Key concepts / issues	Anti-competitive agreements; An abuse of a dominant market position.
	Learning and teaching	Lecture and tutorial.
	Pre session reading	Readings on Blackboard.
	Literature for this session	Sandra Dennis and Christian Koenig (2011) European Competition Law in a Nutshell: A Concise Guide. Lexxion.
	Independent study	Students should finalise in class presentation assignment.
Week 7	Content	In Class Individual Formative Presentations will be based on the topics of the final Article for Student Legal Research: Journal
	Key concepts / issues	Topics introduced in this course.
	Learning and teaching	In Class Individual Presentations.
	Pre session reading	Academic articles related to the chosen topic.
	Literature for this session	All readings due.

	Independent study	Students should finalise in class presentation assignment.
Week 8	Content	3.7 Basics of Insolvency Law. Summative Assessment: In Class Exercise.
	Key concepts / issues	Tests for corporate insolvency. The consequences of a company's insolvency. The available insolvency procedures.
	Learning and teaching	Lecture and tutorial.
	Pre session reading	Readings on Blackboard.
	Literature for this session	McKendrick (2016) R. Goode on Commercial Law. 5th ed. London: Penguin. Chapter 31.
	Independent study	Reading and analysing of academic articles.
Week 9	Content	3.8 Principles of International Trade Law. In Class Formative Assessment: Case Study.
	Key concepts / issues	Most favoured nation principle and the national treatment principle Trade restrictive measures Dispute resolution under WTO
	Learning and teaching	Lecture, discussion and case-law analysis.
	Pre session reading	Readings on Blackboard.
	Literature for this session	McKendrick (2016) R. Goode on Commercial Law. 5th ed. London: Penguin. Chapter 32, 33.
	Independent study	Reading and analysing of academic articles.
Week 10	Content	Fundamentals of Intellectual Property Law

	Key concepts / issues	Patents Trade-marks Copy-rights Unfair Competition Trade Secrets
	Learning and teaching	Lecture and tutorial.
	Pre session reading	Readings on Blackboard.
	Literature for this session	4 <u>Caroline Wilson</u> (2009) Nutshells: Intellectual Property Law Revision Aid and Study Guide. Sweet and Maxwell.
	Independent study	Reading and analysing of academic articles.
Week 11	Content	Corporate Fraudulent and Criminal Behaviour
	Key concepts / issues	White Collar Crimes
	Learning and teaching	Discussion and critique of academic articles.
	Pre session reading	Readings on Blackboard.
	Literature for this session	Reading handouts.
	Independent study	Reading and analysing of academic articles.
Week 12	Content	Dispute Resolution Mechanism in International Commerce. International Business Ethics and Corporate Social Responsibility.
	Key concepts / issues	Courts and ADR.
	Learning and teaching	Lecture, tutorial and mock case.
	Pre session reading	Readings on Blackboard.

	Literature for this session	McKendrick (2016) R. Goode on Commercial Law. 5th ed. London: Penguin. Chapters 39.
	Independent study	Reading and analysing of academic articles.
Week 13	Content	4.1 Dispute Resolution Mechanism in International Commerce. Summative Assessment: In Class Exercise.
	Key concepts / issues	Courts and ADR.
	Learning and teaching	Lecture, tutorial and mock case.
	Pre session reading	Readings on Blackboard.
	Literature for this session	McKendrick (2016) R. Goode on Commercial Law. 5th ed. London: Penguin. Chapter 39.
	Independent study	Reading and analysing of academic articles.
Week 14	Content	Course Wrap-up. In Class Formative Assessment: Case Study.
	Key concepts / issues	Topics introduced in this course.
	Learning and teaching	Discussions.
	Pre session reading	All readings due.
	Literature for this session	All readings due.
	Independent study	Revision for Final Exam.

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