

Module 3: International Commercial Law

Stage				1			
Semester				1			
Module Title				International Commercial Law			
Module Number/Reference				LLM-ICML			
Module Status (Mandatory/Elective)				Mandatory for International Commercial Law LL.M., Elective for International Law LL.M.			
Module ECTS credit				10			
Module NFQ level (only if applicable)				9			
Pre-requisite Module Titles				Public International Law, Advanced Legal Research and Writing			
Co-requisite Module Titles				N/A			
Is this a capstone module? (Yes or No)				No			
List of Module Teaching Personnel				Michael Flynn			
Contact Hours				Non-contact Hours			Total Effort (Hours)
Lecture	Practical	Tutorial	Seminar	Assignment	Placement	Independent work	
30						170	200
Allocation of Marks (Within the Module)							
	Continuous Assessment	Project	Practical	Final Exam	Total is always 100%		
Percentage contribution	50			50	100		

Intended Module Learning Outcomes

On successful completion of this module, the learner will be able to:

1. Apply advanced theoretical knowledge and in-depth critical thinking to suggest credible and creative solutions to current legal issues within the field of International Commercial Law
2. Demonstrate a critical awareness of current legal problems and new insights pertaining to International Commercial Law
3. Critically analyse and evaluate in-depth International Commercial Law issues and the philosophical, political and economic structures underpinning same
4. Develop advanced reasoned arguments, challenging assumptions and reaching sound informed judgments
5. Research creative solutions to current and complex issues in International Commercial Law
6. Exercise sophisticated skill and judgment in evaluating complex factual problems in International Commercial Law
7. Communicate ideas effectively and argue, advocate, present and persuade with clarity and accuracy

Module Objectives

Typical international commercial transactions involve numerous contracts over national boundaries. The objective of the module is to make participants familiar with the key contracts and institutions in international commerce. Learners examine private international law (conflict of laws) issues, international contract terms (INCOTERMS), and the Nations Convention on Contracts for the International Sale of Goods (CISG) and UNIDROIT principles as they apply to international contracts. Attention is paid to the role of the WTO as it is considered one of the most important developments in the history of international trade law. GATT is another significant area upon which there is significant focus.

Module Aims (to provide learners with)

- a detailed knowledge of the process by which international contracts are drawn up
- a practical understanding of the relevant legal provisions applicable to international contracts
- a detailed understanding of the effect of international treaties on international contracts
- an introduction to the concept of the legal system governing international trade with a central focus on WTO and the General Agreement on Tariffs and Trade.
- an overview of the world trading system.
- an overview of European trade law and its effect on trade in other EU Member States.

Module Curriculum

- Topic 1: Key Concepts in International Trade Transactions
- Topic 3: Private International Law (Conflict of Laws) Issues
- Topic 4: International Contract Terms (INCOTERMS)
- Topic 5: International Commercial Contracts under Major International Regimes – Part I: CISG Principles
- Topic 6: International Commercial Contracts under Major International Regimes – Part II: UNIDROIT Principles
- Topic 7: Contracts for Carriage by Sea, Air and Land
- Topic 8: The World Trade Organisation
- Topic 9: GATT
- Topic 10: Means of Payment in International Trade
- Topic 12: Insurance Issues in International Trade

Reading lists and other learning materials

Aughen, S., *Shipping Law* (5th ed., Oxon: Routledge, 2012)
August, R., Mayer, D., Bixby, M., *International Business Law: Text Cases and Readings* (5th ed, Pearson Education, 2009)
Carr, I., *International Trade Law* (5th ed., Oxon: Cavendish, 2013)

Davies, I., *Issues in International Commercial Law* (Ashgate, 2005)
Hughes, A.D., *Casebook on Carriage of Goods by Sea* (2nd ed. Blackstone, 1999)
Mo, J., *International Commercial Law* (5th ed., LexisNexis, 2012)
Murray, C., Holloway, D., Timson-Hunt, D., Dixon, G., *Schmittoff's Export Trade: The Law and Practice of International Trade* (12th ed., London: Sweet & Maxwell, 2012)

Module Learning Environment

A learning environment that promotes collaborative learning is promoted and learners are encouraged to actively engage in all class discussions and exercises.

Module Teaching and Learning Strategy

The delivery of this module is facilitated by structured and participative style lectures. Learners have the opportunity to discuss case law and arbitral decisions and the lessons that can be drawn for application to hypothetical commercial arbitration scenarios.

Learners are required to undertake an assignment, which tests not only their understanding of the substantive and/or procedural principles of international commercial arbitration, but also their ability to analyse the same.

Total contact hours: 30 Hours

Range of other learning methods

Independent Learning and Research supported with remote resources available on Moodle.

Total non-contact hours: 170 Hours

Module Assessment Strategy

Assessment Methods			
Element number	Weighting	Type	Description
1	50	Continuous Assessment	4,000-5,000 word individual written essay This assignment is designed in order to examine a contemporary issue in international commercial law, and may be reform/policy orientated.
2	50	Examination	Closed book examination: a 3 hour exam which covers the breadth of the course and requires learners to answer 3 questions out of 6, testing their ability to apply knowledge learned throughout the module.

Diagnostic/ formative assessment

Formative assessment is used regularly as a teaching and learning tool to help learners and lecturer ensure effective learning is taking place.

Further information on assessment

Marking criteria are distributed to learners with each assignment brief. These are used to provide learner direction on all summative assessments.

Assessment Strategy		
Module Learning Outcome	Element 1	Element 2
1. Apply advanced theoretical knowledge and in depth critical thinking to suggest credible and creative solutions to current legal issues within the field of International Commercial Law	✓	✓
2. Demonstrate a critical awareness of current legal problems and new insights pertaining to International Commercial Law	✓	✓
3. Critically analyse and evaluate in-depth International Commercial Law issues and the philosophical, political and economic structures underpinning same	✓	✓
4. Develop advanced reasoned arguments, challenging assumptions and reaching sound informed judgments	✓	✓
5. Research creative solutions to current and complex issues in International Commercial Law	✓	
6. Exercise sophisticated skill and judgment in evaluating complex factual problems in International Commercial Law		✓
7. Communicate ideas effectively and argue, advocate, present and persuade with clarity and accuracy	✓	✓

Please see **Annex 2** for Faculty Marking Criteria Guidelines and **Annex 3** for Sample Examinations and Continuous Assessment along with Marking Criteria