



# LAWS8098

## International Commercial Law

Session 1, Weekday attendance, North Ryde 2020

*Macquarie Law School*

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## General Information

Unit convenor and teaching staff

Senior Lecturer

Sonya Willis

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Contact via 9850 6545

6 First Walk Room 520

2-3pm Thursday

Credit points

10

Prerequisites

Admission to LLM or MIntTrdeComLaw or (admission to JD and 80cp in LAW or LAWS units at 6000 level or above)

Corequisites

Co-badged status

Unit description

International Commercial Law examines contract law as it applies in an international context, addressing, in particular; the international sale of goods; Incoterms, contracts of sale under the Vienna Sales Convention; contracts for carriage of goods by sea, air and land; and bills of exchange, marine insurance and letters of credit in international trade. This unit incorporates analyses of different legal systems, an introduction to conflicts of law as well as political contexts underpinning the operation of this body of law. International commercial arbitration is highlighted as the key mode of dispute settlement for international contractual disputes.

## Important Academic Dates

Information about important academic dates including deadlines for withdrawing from units are available at <https://www.mq.edu.au/study/calendar-of-dates>

## Learning Outcomes

On successful completion of this unit, you will be able to:

**ULO1:** Demonstrate comprehension of the regulatory framework and standards that govern International Sales of Goods.

**ULO2:** Understand the legal aspects of international commercial transactions, and identify legal issues, problems and risk factors that a business entity may encounter in

operating cross-border transactions.

**ULO3:** Demonstrate a sophisticated knowledge and understanding of relevant laws and conventions that influence international commercial transactions by sea and air

**ULO4:** Explain the importance of risk in international commercial transactions and demonstrate a working knowledge of international insurance process and procedures.

**ULO5:** Analyse hypothetical international legal problem scenarios via constructing and defending arguments in a well-structured, reasoned, coherent and logical manner.

**ULO6:** Demonstrate the ability to independently research contentious and timely issues in international commercial law.

## Assessment Tasks

### Coronavirus (COVID-19) Update

Assessment details are no longer provided here as a result of changes due to the Coronavirus (COVID-19) pandemic.

Students should consult [iLearn](#) for revised unit information.

[Find out more about the Coronavirus \(COVID-19\) and potential impacts on staff and students](#)

## General Assessment Information

Further information about the assessment criteria for each task will be forthcoming throughout the semester.

**Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply – two (2) marks out of 100 will be deducted per day for assignments submitted after the due date – and (b) no assignment will be accepted more than seven (7) days (incl. weekends) after the original submission deadline. No late submissions will be accepted for timed assessments – e.g. quizzes, online tests (including the final hypothetical problem test).**

Word limits will be strictly applied and work above the word limit will not be marked.

All assessments in the unit are to be submitted electronically. Plagiarism detection software is used in this unit.

### Moderation

Detailed marking guidelines will be made available on iLearn. Assessments for Fail grade students will be double marked.

### Formal requirements for both written assignments (research proposal and research essay)

The following requirements as to presentation of papers must be complied with:

- All assessments should be the independent work of the student. Assignments are not group work or exercises.
- Both assignments must be typed with 12 point font in the text and 10 point font in footnotes.
- The word limit must be strictly maintained. The word limit does not include the footnotes, although footnotes must not include any substantive content. The actual word length of your assignment must be stated on the cover sheet.
- Footnotes and other referencing must be consistent with the *Australian Guide to Legal Citations*, which can be downloaded at <http://www.law.unimelb.edu.au/mulr>
- **Feedback prior to census date will be provided via the early feedback quiz.**

## Delivery and Resources

### Coronavirus (COVID-19) Update

Any references to on-campus delivery below may no longer be relevant due to COVID-19.

Please check here for updated delivery information: [https://ask.mq.edu.au/account/pub/display/unit\\_status](https://ask.mq.edu.au/account/pub/display/unit_status)

This course will be delivered via weekly lectures (also available on iLearn) and weekly tutorials. Students will be assessed on their participation in the tutorial questions set out for each week in iLearn, particularly their selected on call tutorial. Tutorials will commence on Week 1 with an introductory tutorial. For all other tutorials, the tutorial questions are based on the preceding week's lecture and readings.

### Required Textbook

John Mo, *International Commercial Law* (LexisNexis, Butterworths, 6th ed, 2015).

Weekly reading schedule/list will be posted on iLearn and through the library.

## Unit Schedule

### Coronavirus (COVID-19) Update

The unit schedule/topics and any references to on-campus delivery below may no longer be relevant due to COVID-19. Please consult [iLearn](#) for latest details, and check here for updated delivery information: [https://ask.mq.edu.au/account/pub/display/unit\\_status](https://ask.mq.edu.au/account/pub/display/unit_status)

Please note lectures and tutorials will commence in Week 1 and lectures will be available through Echo 360/iLearn. Weekly readings and tutorial questions will be available to enrolled students iLearn. Tutorials (other than Tutorial 1) will be based upon the preceding week's lecture

and readings. Attendance and participation will be recorded at weekly seminars/tutorials and will affect participation grades.

#### LECTURE SCHEDULE:

##### *Part 1: Law for Buyers and Sellers in International Commercial Transactions*

Week 1 - Introduction - Standard Trade Terms and Electronic Commerce

Week 2 - Contracts of Sale Under the CISG

##### *Part 2: Law for Interactions with Other Parties to International Commercial Transactions (Shippers/transporters, Insurers and Banks)*

Week 3 - Transport of Goods by Sea and Air

Week 4 - Transport of Goods by Sea and Air (cont)

Week 5 - Marine Insurance

Week 6 - Financing International Transactions; Letters of Credit

##### *Part 3: Resolving international commercial disputes between parties*

Week 7 -Conflicts of Law between Courts: Jurisdiction and Choice of Law

*Mid-Session Break - On campus sessions for external students only on 22-23 April 2020, 9am - 4pm.*

Week 8 - International Commercial Arbitration: Institutions and Agreements

Week 9 - International Commercial Arbitration and Courts: Enforcement

##### *Part 4: State/Treaty Influence on International Commercial Transactions*

Week 10 - International, Multilateral and Bilateral Trade Related Treaties

Week 11 - Intellectual Property in International Transactions

Week 12 - Fighting Corruption in International Commercial Transactions

##### *Revision*

Week 13 - Optional Revision Class

## **Policies and Procedures**

Macquarie University policies and procedures are accessible from [Policy Central \(https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central\)](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central). Students should be aware of the following policies in particular with regard to Learning and Teaching:

- [Academic Appeals Policy](#)
- [Academic Integrity Policy](#)

- [Academic Progression Policy](#)
- [Assessment Policy](#)
- [Fitness to Practice Procedure](#)
- [Grade Appeal Policy](#)
- [Complaint Management Procedure for Students and Members of the Public](#)
- [Special Consideration Policy](#) (**Note:** *The Special Consideration Policy is effective from 4 December 2017 and replaces the Disruption to Studies Policy.*)

Students seeking more policy resources can visit the [Student Policy Gateway](https://students.mq.edu.au/support/study/student-policy-gateway) (<https://students.mq.edu.au/support/study/student-policy-gateway>). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

If you would like to see all the policies relevant to Learning and Teaching visit [Policy Central](http://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<http://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central>).

## Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: <https://students.mq.edu.au/study/getting-started/student-conduct>

## Results

Results published on platform other than [eStudent](#), (eg. iLearn, Coursera etc.) or released directly by your Unit Convenor, are not confirmed as they are subject to final approval by the University. Once approved, final results will be sent to your student email address and will be made available in [eStudent](#). For more information visit [ask.mq.edu.au](http://ask.mq.edu.au) or if you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto:globalmba.support@mq.edu.au)

## Student Support

Macquarie University provides a range of support services for students. For details, visit <http://students.mq.edu.au/support/>

## Learning Skills

Learning Skills ([mq.edu.au/learningskills](http://mq.edu.au/learningskills)) provides academic writing resources and study strategies to help you improve your marks and take control of your study.

- [Getting help with your assignment](#)
- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module](#)

The Library provides online and face to face support to help you find and use relevant information resources.

- [Subject and Research Guides](#)

- [Ask a Librarian](#)

## Student Services and Support

Students with a disability are encouraged to contact the [Disability Service](#) who can provide appropriate help with any issues that arise during their studies.

## Student Enquiries

For all student enquiries, visit Student Connect at [ask.mq.edu.au](http://ask.mq.edu.au)

If you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto:globalmba.support@mq.edu.au)

## IT Help

For help with University computer systems and technology, visit [http://www.mq.edu.au/about\\_us/offices\\_and\\_units/information\\_technology/help/](http://www.mq.edu.au/about_us/offices_and_units/information_technology/help/).

When using the University's IT, you must adhere to the [Acceptable Use of IT Resources Policy](#). The policy applies to all who connect to the MQ network including students.