



# LAW 896

## International Business Transactions

S2 Block 2019

*Macquarie Law School*

### Contents

<u>General Information</u>	2
<u>Learning Outcomes</u>	3
<u>General Assessment Information</u>	3
<u>Assessment Tasks</u>	4
<u>Delivery and Resources</u>	6
<u>Unit Schedule</u>	6
<u>Policies and Procedures</u>	7
<u>Graduate Capabilities</u>	8
<u>Changes from Previous Offering</u>	12

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## General Information

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Credit points

4

Prerequisites

Admission to LLM or MIntTrdeComLaw or MIntRelMIntTrdeComLaw or 42cp in LAW or LAWS units at 400 or 500 level or (admission to JD and 32cp in LAW or LAWS units at 800 level)

Corequisites

Co-badged status

Unit description

This unit examines the making, regulating and breaking of deals in the international business community. The unit will canvas the different legal forms of agreements (eg, direct foreign investment, international joint ventures); laws that influence the conduct of business internationally (eg, anti-trust laws, international financial regulation, international bankruptcy, international taxation laws); and the mechanisms available when disputes arise (eg, international arbitration, foreign litigation in domestic courts). Students will develop an understanding of key legal principles underpinning international business transactions from an international law perspective as well as in relation to selected jurisdictions.

## 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:

Understand the regulatory framework and standards that govern international business transactions and relationships

Demonstrate a sophisticated knowledge and understanding of relevant international agreements and principles that influence international business, domestic legal regime and parties involved in cross-border dealings, and develop an analytical ability to critically assess their application

Evaluate the role of different institutions and organisations in guiding responsible business

Investigate the relationship between international and domestic regulations and the way in which Australia has endorsed those international standards

Identify legal issues, problems and risk factors that a business entity may encounter in operating cross-border transactions, and apply appropriate strategies to overcome these

Analyse the conduct of business in a complex international environment

## General Assessment Information

### Late Submission

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.

### Special Consideration

Requests for Special Consideration will be dealt with centrally and decisions about the outcome will largely be made centrally.

### Moderation

Detailed marking rubrics will be made available on iLearn.

### Turnitin

All written assessments are to be submitted via iLearn through Turnitin.

### Referencing

All referencing is to be in accordance with AGLC4.

## Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Final Examination</u>	60%	No	28 Oct - 1 Nov 2019
<u>Participation Marks</u>	10%	No	Continuous
<u>Group Project</u>	30%	No	27-28 September 2019

### Final Examination

Due: **28 Oct - 1 Nov 2019**

Weighting: **60%**

The final examination in this unit will be a take home examination.

The final examination will be based on material covered in the unit, ie all topics and materials covered in the unit.

Students will be able to access the final examination paper on iLearn from 10 am on Monday 28 October 2019 and must submit their answers to the final examination paper by 6 pm on Friday 1 November 2019. The examination must be electronically submitted. Plagiarism detection software is used in this unit.

This is a timed assessment and no late submissions will be accepted.

A student's answers to the final examination paper's questions cannot exceed 3,000 words (exclusive of footnotes). This is an upper word limit and a student need not write 3,000 words if he or she can answer the questions in less than 3,000 words. A bibliography is not required. The word limit will be strictly applied and work above the word limit will not be marked. The answers to the examination questions must be typed.

Students are not required to comply with strict AGLC referencing, however must provide authority which can be provided via footnotes.

Further instructions and information in relation to the final examination will be made available on iLearn.

On successful completion you will be able to:

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- Evaluate the role of different institutions and organisations in guiding responsible business
- Investigate the relationship between international and domestic regulations and the way in which Australia has endorsed those international standards
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- Analyse the conduct of business in a complex international environment

## Participation Marks

Due: **Continuous**

Weighting: **10%**

The assessment of class participation relates to how well prepared students are for the Block/On-campus session of this unit. Students are expected to have covered all required unit readings before the Block/On-campus session. Students are also expected to be fully engaged with class activities during the Block/On-campus session.

On successful completion you will be able to:

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## Group Project

Due: **27-28 September 2019**

Weighting: **30%**

Students will be assigned into groups at the beginning of the semester to undertake a group project. The presentation of the group project will take place on the second day of the Block/On-campus session.

In the evaluation of the group project, 50% of the grade for this task will be allocated to individual performance in the task. The full details of the breakdown of marks in the rubric will be provided on iLearn.

On successful completion you will be able to:

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## Delivery and Resources

This unit will be delivered in a block format during the two days on-campus session. The dates for the on-campus session should be confirmed on MQ Timetable. Students will be required to participate in discussions based upon the readings, as well as any problem and discussion questions set by the convener.

Weekly readings will be provided on the iLearn website. There is no textbook for the course. Rather, students will be expected to have a detailed understanding of the weekly journal articles and textbook extracts posted under each week on iLearn and also available on Leganto.

A group project assessment will occur on the second day of the on-campus session. Students should be prepared to stay for three additional hours on the second day of the on-campus session for the group project assessment. Further instructions on the format of the group project assessment will be made available on iLearn.

## Unit Schedule

Topic No	Topic(s)
1	Developing Litigation Awareness
2	What is the Field of Contracts?

3	Conflicts of Law in Contracts and Comparative Private International Law of Contracts
4	International Uniform Law for International Contracts
5	Intermediaries - International Commercial Agency and Distribution Agreements
6	Intellectual Property Rights (IPR's) and "TRIPS" (Section of the 1994 WTO-Agreement concluded at Marrakech) - National Law Applicable to IPR's
7	Issues and Types of Contracts Useful When Initiating transfer of IPR's
8	License of Intellectual Property Right and Other Tied-in-Obligations - Types - Agreements for Transfer of Technology - Drafting them

## 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.*)

Undergraduate 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](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>).

## 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](#) 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 improve your marks and take control of your study.

- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module for Students](#)
- [Ask a Learning Adviser](#)

## 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](#)

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.

## Graduate Capabilities

### PG - Capable of Professional and Personal Judgment and Initiative

Our postgraduates will demonstrate a high standard of discernment and common sense in their professional and personal judgment. They will have the ability to make informed choices and decisions that reflect both the nature of their professional work and their personal perspectives.

This graduate capability is supported by:

### Learning outcomes

- Understand the regulatory framework and standards that govern international business



transactions and relationships

- Demonstrate a sophisticated knowledge and understanding of relevant international agreements and principles that influence international business, domestic legal regime and parties involved in cross-border dealings, and develop an analytical ability to critically assess their application

## **Assessment tasks**

- Final Examination
- Group Project

## **PG - Discipline Knowledge and Skills**

Our postgraduates will be able to demonstrate a significantly enhanced depth and breadth of knowledge, scholarly understanding, and specific subject content knowledge in their chosen fields.

This graduate capability is supported by:

## **Learning outcomes**

- Understand the regulatory framework and standards that govern international business transactions and relationships
- Demonstrate a sophisticated knowledge and understanding of relevant international agreements and principles that influence international business, domestic legal regime and parties involved in cross-border dealings, and develop an analytical ability to critically assess their application
- Evaluate the role of different institutions and organisations in guiding responsible business
- Investigate the relationship between international and domestic regulations and the way in which Australia has endorsed those international standards
- Identify legal issues, problems and risk factors that a business entity may encounter in operating cross-border transactions, and apply appropriate strategies to overcome these
- Analyse the conduct of business in a complex international environment

## **Assessment tasks**

- Final Examination
- Participation Marks
- Group Project

## **PG - Critical, Analytical and Integrative Thinking**

Our postgraduates will be capable of utilising and reflecting on prior knowledge and experience,

of applying higher level critical thinking skills, and of integrating and synthesising learning and knowledge from a range of sources and environments. A characteristic of this form of thinking is the generation of new, professionally oriented knowledge through personal or group-based critique of practice and theory.

This graduate capability is supported by:

## **Learning outcomes**

- Understand the regulatory framework and standards that govern international business transactions and relationships
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- Evaluate the role of different institutions and organisations in guiding responsible business
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- Analyse the conduct of business in a complex international environment

## **Assessment tasks**

- Final Examination
- Participation Marks
- Group Project

## **PG - Research and Problem Solving Capability**

Our postgraduates will be capable of systematic enquiry; able to use research skills to create new knowledge that can be applied to real world issues, or contribute to a field of study or practice to enhance society. They will be capable of creative questioning, problem finding and problem solving.

This graduate capability is supported by:

## **Learning outcomes**

- Understand the regulatory framework and standards that govern international business transactions and relationships
- Demonstrate a sophisticated knowledge and understanding of relevant international agreements and principles that influence international business, domestic legal regime and parties involved in cross-border dealings, and develop an analytical ability to

critically assess their application

- Evaluate the role of different institutions and organisations in guiding responsible business
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- Analyse the conduct of business in a complex international environment

## **Assessment tasks**

- Final Examination
- Group Project

## **PG - Effective Communication**

Our postgraduates will be able to communicate effectively and convey their views to different social, cultural, and professional audiences. They will be able to use a variety of technologically supported media to communicate with empathy using a range of written, spoken or visual formats.

This graduate capability is supported by:

## **Learning outcomes**

- Understand the regulatory framework and standards that govern international business transactions and relationships
- Demonstrate a sophisticated knowledge and understanding of relevant international agreements and principles that influence international business, domestic legal regime and parties involved in cross-border dealings, and develop an analytical ability to critically assess their application
- Evaluate the role of different institutions and organisations in guiding responsible business
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## **Assessment tasks**

- Final Examination
- Participation Marks
- Group Project

## Changes from Previous Offering

Since the last offering of this unit, a number of changes have been introduced as follows:

1. The mode of delivery of the unit has been changed to a block delivery format during the two days on-campus session.
2. Changes have been introduced to the mode of assessment to include take-home examination and group project presentation.
3. The group project assessment will be undertaken on the second day of the on-campus session.
4. Changes have been introduced to the unit schedule and reading resources.