

Syllabus for the Augsburg Summer Program 2020

To succeed in a globalized and international business world, legal issues need to be considered not only from their national perspective, but also in context of international law. Therefore, it is essential to get an in-depth knowledge of the basics of European and International Business & Economic Law.

CISG (1 credit / 2 SWS / 4 ECTS)

The lecture is on the United Nations Convention on Contracts for the International Sale of Goods (CISG). The CISG is a sales law treaty with acceptance on a worldwide scale. Globalisation of markets demands international unification of the law of sales contracts. Disparities in national laws governing international trade create obstacles to the flow of trade. The CISG can provide legal certainty for contract parties and predictability of legal decisions.

The aim of this lecture is to acquaint the students with the CISG and learn how it regulates the international sale of goods between parties which have their place of business in different states.

The content of this lecture will be amongst others the scope of application of the Convention, the formation of the contract, the obligations of the seller and the buyer and consequences of breach of contract.

European Contract Law (1 credit / 2 SWS / 4 ECTS)

The implementation of some specific sectors of contract law in the framework of EU legislation has become an important issue for many subjects. In the most of cases the legislative body of the European community has followed the so called soft harmonization approach, by adopting directives on contractual matters.

One of the objectives of this course is to present an overall picture of contracts in European law, but it is also dedicated to enhancing critical analysis of some European contract law institutions, focusing in particular on the functioning of the common market. A special attention will be devoted to the European competition law and its interference with the law of contracts and the party autonomy in general. By the attendancy of the course, the students will receive professional training in this area of law, in accordance with the labor market.

This course is intended for the student to gain training and skills necessary to:

1. analyze the basic principles ruling contracts at European level

2. analyze the differences and compatibility of national contracts with European law of contracts
3. analyze the compatibility of single contractual clauses with antitrust law.

German and European Company Law (2 credits / 4 SWS / 8 ECTS)

In the last twenty years company law has been developed on a European level. This development has led to many directives on harmonizing company law. Harmonization is necessary because legal systems in the member states are based on different points of view. In Europe, on the one hand, the one-tier-board system and, on the other hand, the two-tier-board system exists for a company's management. Furthermore, some member states require strong worker participation. Harmonization within the European Union has made rapid progress during the last few years. The major impulses for these recent changes were discussions about corporate governance and some leading cases by the European Court of Justice.

Intellectual Property Law (1 credit / 2 SWS / 4 ECTS)

The first part deals with the characteristics shared by all types of intellectual property as well as with the distinctions, inter alia with their distinct subject-matter, namely inventions, literary and artistic works and associated products and names for goodwill attaching to marketing symbols. The course focuses then on the U.S. law and its special characteristics, inter alia the first-to-invent system and on the European law, in particular with EC law, for example the directives regarding intellectual property issues. Moreover the last part of the course deals with international law, in particular with TRIPS, and questions of Technology Challenge and "Cultural Rights".

International Investment Law (1 credit / 2 SWS / 4 ECTS)

The lecture course on International Investment Law focusses on the protection afforded to foreign investors under bi- and multilateral investment treaties. A special emphasis will be put on the substantive standards of protection, such as the protection against expropriation and the "fair and equitable treatment" clause. The course will also cover the highly disputed system of "Investor-State Dispute Settlement" as well as current initiatives to establish a Multilateral Investment Court. The legal topics will be placed into the broader context of current policy issues. Particular attention will be given to the democratic legitimacy of investment tribunals and the tension between the protection of foreign investment on the one hand, and conflicting public policy goals, such as the protection of human rights, labour standards, and the environment on the other.

Law and Economics (1 credit / 2 SWS / 4 ECTS)

The course introduces students to the economic analysis of law. It explores what it means for the law to be efficient; the extent to which a quest for economic efficiency

explains the development of the law (with a focus on property and torts due to the limited time); and the extent to which efficiency should affect the development of the law. The course includes a brief introduction to the tools of microeconomics and to the different 'schools' of economic thought.

Transnational Litigation (1 credit / 2 SWS / 4 ECTS)

The increasing number of international business transactions has led to an growing amount of transnational litigation. Parties to international transactions may sue or be sued abroad. Domestic judgments eventually must be enforced abroad and foreign judgments must be enforced in domestic courts. This course offers an introduction to the problems of transnational litigation. The course focuses on the issues of service of process, (adjudicatory) jurisdiction as well as recognition and enforcement of foreign judgments. Although the focus of the class is on the relevant provisions of EU law, namely the so-called Brussels I Regulation, students also learn to apply international conventions and domestic law (mainly German and U.S. law).

US/EU Antitrust Law (1 credit / 2 SWS / 4 ECTS)

The course first deals with two main aspects of Antitrust Economics, namely with the Price Theory and with the Industrial Organization, as a basic knowledge of Antitrust Economics is necessary to understand Antitrust Law. After focusing on the much older U.S. Antitrust Law the course introduces into the European Antitrust Law. Additionally, recent developments of European Antitrust Law are discussed. There are also a number of case studies on important topics of U.S. and European Antitrust Law which give the opportunity to find differences and similarities between the two.