

## Syllabus for the Augsburg Summer Program 2021

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 / 1 SWS / 4 ECTS), Prof. Hellwege***

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.

### ***Comparative Venture Capital Law (1 credit / 1 SWS/ 4 ECTS), Prof. Manns***

This class is designed to provide an overview of the legal issues facing start-up companies at each stage of their development. First, we will go over the basics of agency law. Agency law is important at every stage of a company's development in creating defaults for employer-employee relationships, but it is particularly important at the formative phase of a business. Second, we will then discuss the choice of business entity, the challenges companies face during the incorporation process, and the need to create incentive structures to retain and attract talent. Third, we will go over the legal and financial issues facing venture capitalists and the formation of venture capital funds. We will focus primarily on the US start-up company context because it is a leading center for entrepreneurship and capital markets, although start-ups in Europe and every part of the globe face similar issues and choices.

***European Contract Law (1 credit / 1 SWS / 4 ECTS), Prof. Camilleri***

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.

***European and WTO Law (2 credits / 2 SWS / 8 ECTS), Prof. Möllers***

The course will give you an overview about the most important institutions, principles and the enforcement of European and WTO law. It will focus on the area of European Intellectual Property Law.

The first part of the lecture concerns the basics or foundations of European law, i.e. the history, the institutions, the fundamental principles, and the enforcement of EC Law.

Furthermore, the course examines the law of the common market. It covers the economic policy and the four basic freedoms, that is, the free movement of goods and for workers and the freedom of services and establishment. The law of harmonisation examines the advantages and disadvantages of legal harmonization. The enforcement of law shows how European Law can be enforced as a supranational source of law.

The second part examines the International Economic law, especially the WTO agreement. The lecture focuses on the institutions, principles of the GATT, and the Enforcement of the GATT. The lecture ends with an epilogue about Europe and the WTO in the 21st century.

Two-third of the time is held as a lecture. The rest of the time is used for discussing cases and analysing the line of arguments and arguing the cases (moot-court). Therefore, it is obligatory to read the cases completely in advance.

***German and European Company Law (2 credits / 2 SWS / 8 ECTS), Prof. Möllers***

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.

***International Investment Law (1 credit / 1 SWS / 4 ECTS), Prof. Rensmann***

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 / 1 SWS / 4 ECTS), Prof. Wendel***

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 / 1 SWS / 4 ECTS), Prof. Wurmnest***

The increasing number of international business transactions has led to a 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).

***International Arbitration (1 credit / 1 SWS / 4 ECTS), Dr. Engel***

In international business transactions, the dispute resolution clause usually provides for international arbitration. The course "International Arbitration" will discuss international arbitration from a practitioner's point of view. It will focus on the advantages and disadvantages of international arbitration and address the conduct of international arbitration proceedings, such as the establishment of the arbitral tribunal, the taking of evidence, oral hearings and rendering the arbitral award. The students will learn to draft tailor-made arbitration clauses. In addition, the course will deal with procedures to set aside and enforce arbitral awards internationally. Further, the course will focus on the interaction between national law and international arbitration. The students will also learn about the specifics of the most commonly applied rules of arbitral institutions such as the ICC, the LCIA, the VIAC and the German DIS.

***Introduction to Legal Technology & Innovation (1 credit / 1 SWS / 4 ECTS), Prof. Katz (new)***

Legal innovation and technology are no longer themes relevant for legal professionals only in the future. Organizations across the legal industry are currently leveraging technology in ways that have allowed clients and consumers to access legal services more efficiently, effectively, and at a lower cost. This course introduces students to topics in legal innovation and technology. Students will examine the market forces driving innovation and glimpse use cases from large law firms, corporate in-house legal departments, legal aid, and legal tech startups, as well as emerging organizations like law companies. Students will also be asked to grapple with the challenges and opportunities currently facing the legal system, the legal profession and society as a whole (and how technology might be able to help).