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NATIONAL LAW UNIVERSITY, DELHI

GIAN Course on
'INTERNATIONAL BUSINESS TRANSACTIONS'
September 25-30, 2017

Organised by
**CENTRE FOR TRANSNATIONAL COMMERCIAL LAW (CTCL),
NATIONAL LAW UNIVERSITY, DELHI**

Under the grant from:
**GLOBAL INITIATIVE OF ACADEMIC NETWORKS (GIAN)
MINISTRY OF HUMAN RESOURCE DEVELOPMENT (MHRD),
GOVERNMENT OF INDIA**

Course Overview

The Module “International Business Transactions”, is envisioned as the field of private business transactions that are international in character and that are governed by a blend of international private law and the private law aspects of public international law. International business transactions is a subject that, despite its practical usefulness and theoretical attractiveness, often falls betwixt and between. International business programs tend to regard it as a course for legal specialists; many law schools leave it to schools of business or position it as an advanced course in international law. As a result, few law and business students have been exposed to the course.

We believe that, in this era of globalization, a course in international business transactions is an essential part of the training of all business lawyers and of people in the corporate world as well. There is no longer a clear distinction between businesses that operate in India and those with foreign operations. Sooner or later, every successful business will have an international aspect. In the modern era, when trade and commerce have become truly global, international business transactions can no longer be viewed as being dominated by developed nations in North America and Europe. The increasing importance of developing nations, as well as the emergence of India, Korea, Japan, China and other Asian countries as economic powers, requires in-depth coverage of non-Western countries, regions, and cultures that were not traditionally covered in casebooks on international law and business, which were strongly oriented toward Western developed countries.

This course is a result of our consideration of these pedagogical issues focusing on the private transaction that we hope is not overly burdensome or taxing to students and professors. We have tried to keep the amount of material in the course to that which should be easily manageable in a ten to fifteen-hour course.

Course Objective:

The primary objectives of this course are as follows:

1. To introduce participants to the legal aspects of international business transactions.
2. To familiarize participants with international laws and conventions that govern international business transactions, and the relevant international and multilateral institutions.
3. To gain an understanding of case law analysis, through detailed discussions of judicial and arbitral decisions involving international business transactions.
4. To provide instruction on the importance of the contract—the agreement between the parties.
5. Examine the risks associated with international business transactions
6. Examine key elements and clauses in various types of international business transactions
7. To introduce dispute resolution mechanisms—negotiation, mediation, arbitration, litigation—used to resolve international business conflicts

Teaching Faculty

1. **Professor Don S. De Amicis (DA):** 8 Hrs. lectures and 4 Hrs. tutorials
2. **Dr. Risham Garg (Host Faculty) (RG):** 2 Hrs. lectures and 2 Hrs. tutorials

Teaching Method: The teaching method will be primarily via lecture. However, students will be expected to answer questions on assigned readings and to engage in discussion on the course materials. In particular, the assigned readings will include court decisions, arbitral awards, and hypothetical or practical problems that the students will be expected to analyse and discuss in class.

The course will be primarily instructed by Professor Don De Amicis, who would be adequately backed up by suitable references from Indian Law by Dr. Risham Garg, the NLUD Co-Faculty for the course.

Course details

Duration: September 25 – September 30, 2017

CREDITS

The course is credit based. Candidates will earn **ONE Credit** upon successful completion of this course, as per MHRD Guidelines on GIAN.

DEADLINES

Registration form, along with the latest CV, to be emailed to ctcl@nludelhi.ac.in
Faculty/students from academic institutions are also required to send a copy of their current valid Identity card or a bonafide certificate from their institution.

Last date of submission of application: **21st August, 2017.**

Short-listed candidates will be intimated by the **30th August, 2017.**

The maximum number of participants will be limited to fifty only.

As per GIAN Guidelines, candidates of the host institution can fill a maximum 50% of the total seats.

In the event that the number of applications received exceed 50, a selection criteria identified by the University shall be adopted to shortlist the participants; increasing the no. of seats may also be considered.

Who can attend:

- Law students at all levels (BA.LLB/LLB/LLM/JD/JSD/PhD)
- Faculty from law schools, universities, colleges and institutions of higher education,
- Lawyers, In-house counsel
- Professionals from Industry involved in International Business Practice.

FEES: The participation fees for the course are as follows:

- A. Participants from outside India: US \$250/-
- B. Professionals/Lawyers/Non-Academics (without accommodation): Rs.10,000
- C. Students from academic institutions requiring accommodation (excluding food): Rs. 7,000/-
- D. Faculty/Students from academic institutions not requiring accommodation: Rs. 4,000/-
- E. Faculty and Students from National Law University, Delhi: No Fee

The above fee includes all instructional materials, classes and internet facility. The participants will be required to pay separately for food/meals. Accommodation may be provided within the University campus only in case of availability, which will be in limited numbers. Preference shall be given to outstation students. Outstation Faculty may be provided accommodation in case of availability, which shall be separately payable.

Demand draft to be made in favour of: - Registrar, National Law University, Delhi, payable at Delhi.

Super scribe on the envelope "MHRD GIAN Course on International Business Transactions"

National Law University Delhi, Sector-14, Dwarka, New Delhi-110078.

Email: ctcl@nludelhi.ac.in

<http://nludelhi.ac.in/gian.aspx>

Tentative Lecture Schedule:

Day 1: Monday, September 25, 2017

Lecture 1

Introduction to International Business Transactions

Lecture 2

The Documentary Sales Transaction Part 1: sales contract, INCOTERMS (U.N. Convention on Contracts for International Sales of Goods)

Lecture 3

Case study on Choice of Law/Applicable Law/Governing Law issues

Day 2: Tuesday, September 26, 2017

Lecture 1

The Documentary Sales Transaction Part 2: Contracts of Affreightment; Letters of Credit

Lecture 2

Maritime Law, United Nations Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea

Day 3: Wednesday, September 27, 2017

Lecture 1

Non-Establishment Forms of Doing Business Internationally (agents, distributors, franchise, contract manufacturing, technology transfer)

Lecture 2

Establishment Form of Doing Business Internationally (wholly-owned subsidiaries; joint ventures; mergers and acquisitions)

Lecture 3

Case Study using contracts involved in Non-Establishment Forms of Business

Day 4: Thursday, September 28, 2017

Lecture 1

Regulation of International Business Transactions: Trade; Customs; Exports; Economic Sanctions; Competition; Tax

Lecture 2

Corruption in International Business Transactions: Laws and corporate compliance; Role of the Lawyer in International Business Transactions

Lecture 3

Cross- Border Insolvency

Day 5: Friday, September 29, 2017

Lecture 1

Dispute Resolution in International Business Transactions: Arbitration, Litigation, Commercial Courts

Lecture 2

FDI, BIT; Investment Treaty Arbitration

Lecture 3

Mock Case on International Business Transaction; Conclusion

Saturday, September 30, 2017

Examination for participants

PROFESSOR DON SCOTT DE AMICIS

Professor, Georgetown University Law Center

600 New Jersey Avenue, Washington DC 20003. U.S.A.

B.A., Harvard College; J.D., Harvard Law School.

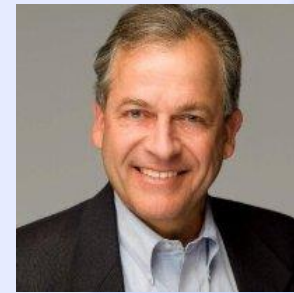
Tel: +1.781.724.1396

Email: Don.DeAmicis@law.georgetown.edu

dsd45@law.georgetown.edu

Web portal: <https://www.law.georgetown.edu/faculty/deamicis-don-s.cfm>

Website: <https://www.law.georgetown.edu/>



Professor De Amicis teaches at Georgetown Law and is on the faculty at the International Law Institute, Washington D.C. He serves on international tribunals of the European Bank for Reconstruction and Development and Inter-American Development Bank on matters relating to fraud and corruption, and is involved in international dispute resolution. He also is a senior advisor with Transnational Strategy Group, LLP where he advises businesses and governments on investment, finance and trade matters. Don has also served as the Executive Director of the National Law Center for Inter-American Free Trade, a commercial law reform institute, a Professor of Practice at the University of Arizona Law School, a Fellow at the Netherlands Institute for Advanced Study, and a Senior Lecturer at Leiden University. From 2011 to 2014, he was General Counsel of the Overseas Private Investment Corporation, the U.S. government's international development finance institution that supports private sector investment through project finance and political risk insurance in over 100 foreign countries. Prior to OPIC, he had been a senior partner at Ropes & Gray LLP, an international law firm, with a practice that focused on four principal areas: corporate, finance, restructuring and international. He has long been active in the American Bar Association and its rule of law initiatives; he served as chair of the Section of International Law and is currently serving on the ABA's Rule of Law Initiative Board.

Publications include *Rule of Law and the 2015 UN Sustainable Development Goals*, 21(2) Sw. J. Int'l L. 335 (2015), a chapter in *The International Lawyer's Deskbook on Creditors Rights' and Bankruptcy*; an article on *Bondholder Workouts In and Outside of Bankruptcy*, 12 Journal of Bankruptcy Law and Practice 2003; and a co-authored article *Forward: The Limits of Globalization*, 36 The International Lawyer 2003. He has spoken at numerous conferences on project finance and political risk insurance, international arbitration, international rule of law issues, structured finance, and restructuring and bankruptcy matters.

DR. RISHAM GARG

Host Faculty & Course Coordinator

Director, Centre for Transnational Commercial Law (CTCL),

Assistant Professor of Law

National Law University, Delhi,

Sector 14 Dwarka, New Delhi – 110078. INDIA.



Areas of interest: Transnational Commercial Laws, Private International Law, Law of Contracts & Sale of Goods, Financial Regulation, Corporate Insolvency & Bankruptcy.

Dr. Risham Garg holds a Doctor in Laws (LL.D.), doctoral research degree on International Commercial Contracts and Arbitration titled "UN CISG Convention- A Case for Ratification by India". He presently teaches courses of International Commercial Laws, Corporate Insolvency & Bankruptcy in the LLM programme and as Seminar courses; he also teaches courses in the BA.LLB. (Hons.) program on Law of Contracts and Sale of Goods.

He acts as an Arbitrator at the Willem C. Vis International Commercial Arbitration Moot on the International Sale of Goods (CISG Convention) at Vienna and at Hong Kong; and also at the India rounds of the Vis Pre-Moot. He has been a Visiting Research Scholar at UNCITRAL, Vienna, Austria in 2007. He has previously worked as a Lecturer at the Amity Law School, (IP University Delhi) for over six years during 2002-2009. He has been a visiting faculty at the National Law University Odisha Cuttack, the Indian Law Institute, Amity Business School Noida. He is also an ordinary member of the Indian Law Institute, the Indian Society of International Law and the Asian Society of International Law.

He has assisted in organizing Workshop on Jurisprudence by Prof. Upendra Baxi, 'On how not to teach Sociological Jurisprudence' in August 2007. He has also been involved as Seminar Convenor in two conferences - Seminar on Financial Regulation, in association with NIPFP & FSLRC in 2012; and International Conference on Banking Laws & Financial Regulation in 2011, at the National Law University Delhi. He has been involved in presenting research papers on contemporary issues in commercial laws and active participation in consultations in various national and international forums.

During 2016, he has also organized (i) a one-day seminar on 'Bankruptcy Laws & Cross-Border Insolvency in India- The way ahead, on 14th May 2016. (<http://nludelhi.ac.in/news2.aspx?id=1136>) (ii) 2016 UNCITRAL Asia Pacific Day Symposium on 17th October 2016 (<http://nludelhi.ac.in/news2.aspx?id=1135>) (iii) 'India's New Bankruptcy Law', on 5th November 2016.

Recently he organized two MHRD GIAN Course during the year 2016; viz.,

- (1) GIAN Course on Comparative Contract Law & Practice, during May 12-22, 2016. This course was conducted by Professor Stefan Vogenauer, Managing Director of the Max Planck Institute for European Legal History and former Director of the Oxford Institute of European and Comparative Law. : <http://nludelhi.ac.in/news2.aspx?id=121>
- (2) GIAN Course on Cross-Border Business Law & Practice, during October 10-23, 2016. This course was conducted by Professor Bruno Zeller of the University of Western Australia. : <http://nludelhi.ac.in/news2.aspx?id=1136>

Registration Form

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Under the Global Initiative of Academic Network (GIAN),
Ministry of Human Resource Development, Government of India

Organised by
Centre for Transnational Commercial Law (CTCL)
National Law University, Delhi,
Dwarka Sector-14, Delhi-110078

Name:		Photo
Designation and Institution/Roll No.		
Address:		
Email ID:		
Mobile No.:		
Accommodation Required (Y/N): (only for outstation candidates)		
Demand Draft No. and Bank, Date of Issues		
Amount:		

- Kindly attach a copy of the institution ID card.
- Demand Draft to be made in favour of: Registrar, National Law University, Delhi, and made payable at Delhi
- Kindly superscribe "GIAN Course on International Business Transactions" on envelope

Declaration: I hereby agree to pay the above-mentioned registration charges and declare that the information provided above is true.

Signature