

CONFLICTS AND BUSINESS LAW

GRADO EN DERECHO / BACHELOR OF LAWS

Professor: **CARLOS LLORENTE GOMEZ DE SEGURA**

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Degree course: **THIRD**

Semester: **2º**

Category: **COMPULSORY**

Number of credits: **3.0**

Language: **English**

PREREQUISITES

SUBJECT DESCRIPTION

This course will deal with Private International Law (PIL), particularly from a business and commercial law perspective. It will offer a basic and general approach to PIL, while focusing at the same time on selected and current topics in the areas of international business and commercial law (specially contracts). Particular attention will be provided to the PIL of the European Union (EU) and to a comparative perspective of PIL, particularly in relation to PIL in common law legal systems.

OBJECTIVES AND SKILLS

- a) Awareness of the relevance of PIL in a globalized world.
- b) Identification of issues to be resolved with the application of PIL.
- b) Mastering of PIL's concept, characteristics, sources and techniques.
- c) Application of PIL rules to problems affecting international business and commerce (contracts).
- d) Special understanding of EU PIL and of a comparative approach to PIL

METHODOLOGY

The objectives and skills of this course will be pursued through a combination of methods including lectures, class debates and problem-based exercises. Students will normally be requested to

prepare in advance the assigned readings and to participate in formal (debates and problems) and/or informal discussions. Students will also need to be ready to take class notes in those lectures with no assigned readings support.

Teaching methodology	Weighting	Estimated time a student should dedicate to prepare for and participate in
Lectures	40.0 %	30 hours
Discussions	29.33 %	22 hours
Exercises	30.67 %	23 hours

Group work	0.0 %	0 hours
Other individual studying	0.0 %	0 hours
TOTAL	100.0 %	75 hours

PROGRAM

SESSION 1

Introduction. General PIL issues (Lecture)

SESSION 2

International Litigation. General Issues (Lecture)

SESSION 3

International Litigation. Brussels I Regulation Recast (Lecture)

SESSION 4

International Litigation.Brussels I Regulation Recast (Lecture)

SESSION 5

International Litigation.Brussels I Regulation Recast (Lecture)

SESSION 6

International Litigation.Brussels I Regulation Recast (Lecture)

SESSION 7

International Litigation. Other sources (Lecture)

SESSION 8

International Litigation. Comparative Law Approach (Assignment/Debates)

SESSION 9

International Commercial Law. General Issues (Lecture)

SESSION 10

International Commercial Law. Contractual Obligations (Lecture)

SESSION 11

International Commercial Law. Contractual Obligations (Lecture)

SESSION 12

International Commercial Law. Contractual Obligations (Lecture)

SESSION 13

International Commercial Law. Contractual Obligations (Lecture)

SESSION 14

International Commercial Comparative Law Approach (Assignment/Debates)

SESSION 15

International Commercial Law. Non Contractual Obligations (Lecture)

SESSION 16

International Commercial Law. Non Contractual Obligations (Lecture)

SESSION 17

International Commercial Law. Further Issues (Lecture)

SESSION 18

International Commercial Law. Further Issues (Lecture)

SESSION 19

International Commercial Law. Problems (Assignment/Debates)

SESSION 20

Exam

BIBLIOGRAPHY

Mandatory:

Title: Concise Introduction to EU Private International Law

Author: Michael Bogdan

Publisher / Edition / Year: Europa Law Publishing, 3rd edition 2016

ISBN /ISSN: 9789089521774

Medium: Print

Recommended.

Title: Conflict of Laws: A Comparative Approach

Author: Gilles Cuniberti

Publisher / Edition / Year: Edward Elgar, 2017

ISBN/ISSN: 978 1 78536 595 9

Medium: Print

Title: The Brussels I Regulation Recast

Author: Andrew Dickinson and Eva Lein

Publisher / Edition / Year: Oxford University Press, 2015

ISBN / ISSN: 978-0-19-871428-6

Medium: Print

Title: Rome I Regulation: The Law Applicable to Contractual Obligations in Europe

Author: Franco Ferrari and Stefan Leible (eds.)

Publisher / Edition / Year: Sellier, 1st edition, 2010

ISBN / ISSN: 978-3-86653-115-4

Medium: Print

Title: International Commercial Transactions

Author: Jan Ramberg

Publisher / Edition / Year: Norstedts Juridik/ICC, 4th edition, 2011

ISBN / ISSN: 978-91-39-01566-6

Medium: Print

Title: European Union Law for International Business. An Introduction

Author: Bernard Bishop

Publisher / Edition / Year: Cambridge University Press, 1st edition, 2009

ISBN / ISSN: 978-0-521-88144-9

Medium: Print

Title: Derecho Internacional Privado, volumen I and II

Author: Alfonso-Luis Calvo Caravaca y Javier Carrascosa González (Dir.)

Publisher / Edition / Year: Comares / 16ª/ 2016

ISBN / ISSN: 9788490454060 and 9788490454121

Medium: PRINT

EVALUATION CRITERIA

Each student has four attempts over two consecutive academic years to pass this course.

Dates and location of the final exam will be posted in advance and will not be changed.

Students must attend at least 70% of the sessions. Students who do not comply with the 70% attendance rule will receive a 0.0 on their first and second attempts and go directly to the third one (they will need to enroll in this course again the following academic year).

Students who are in the third or fourth attempt should contact the professor during the first two weeks of the course.

Any student whose weighted final grade is below 5 will be required to sit for the retake exam to pass the course (except those not complying with the attendance rules, whom are banned from this possibility).

Grading for retakes will be subject to the following rules:

The retakes will consist of a comprehensive exam. The grade will depend only on the performance on this exam; continuous evaluation over the semester will not be taken into account.

The exam will be designed bearing in mind that the passing grade is 5 and the maximum grade that can be attained on the second and fourth attempts is 8 out of 10.

The third attempt will require the student to complete:

a written assignment

a final exam

This is also applicable to students who do not have required attendance, e.g. sickness.

Dates and location of the retakes will be posted in advance and will not be changed.

Criteria	Percentage	Comments
Final Exam	50 %	
Other	30 %	Assignments/Debates
Class Participation	20 %	

PROFESSOR BIO

Professor: **CARLOS LLORENTE GOMEZ DE SEGURA**

E-mail: cllorente@faculty.ie.edu

Areas of specialization: Private International Law, International Commercial Law, Shipping and Transportation Law, Aviation law, Comparative Law, Competition Law, Corporate Law, Litigation Funding

Academic background:

Licenciado en Derecho, Universidad de Navarra (Spain)

LL.M., Honors (Stone Scholar), Columbia University in the City of New York (USA)

Doctor en Derecho, Sobresaliente cum laude por unanimidad, Premio Extraordinario de Doctorado, Universidad de Navarra (Spain)

Teaching and research experience:

Associate Lecturer, Universidad de Navarra (Spain)
Associate Professor, Universidad Carlos III de Madrid (Spain)
Associate Professor, Universidad de Deusto (Spain)
In addition, he lectures regularly in graduate programs at the Universities of San Pablo-CEU, Comillas, Complutense (CUV), UOC, Toulouse I Capitole, Riga Graduate Law School and Lisbon.

Professional experience:

Associate Attorney and Director of Learning & Development, Baker & McKenzie-Madrid (Spain)
Academic Director, Gertrude Ryan Foundation for Comparative Law, Madrid (Spain)
Partner, Abogados Marítimos y Asociados (AMYA), Madrid (Spain).
Managing Partner, Lebrero & Llorente Abogados, Madrid (Spain)
Partner, Lener Asesores, Madrid (Spain)
Legal consultant, RAMCO Litigation Funding

Other information

Member, Management Committee, Euro-American Lawyers Group (EALG)
Member, Spanish Maritime Law Association

OTHER INFORMATION

CODE OF CONDUCT IN CLASS

1. **Be on time:** : Students arriving more than 5 minutes late will be marked as “Absent”.

Only students that notify in advance in writing that they will be late for a specific session may be granted an exception (at the discretion of the professor).

2. **If applicable, bring your name card and strictly follow the seating chart.** It helps faculty members and fellow students learn your names.

3. **Do not leave the room during the lecture:** Students are not allowed to leave the room during lectures. If a student leaves the room during lectures, he/she will not be allowed to re-enter and, therefore, will be marked as “Absent”.

Only students that notify that they have a special reason to leave the session early will be granted an exception (at the discretion of the professor).

4. **Do not engage in side conversation.** As a sign of respect toward the person presenting the lecture (the teacher as well as fellow students), side conversations are not allowed. If you have a question, raise your hand and ask it. If you do not want to ask it during the lecture, feel free to approach your teacher after class.

If a student is disrupting the flow of the lecture, he/she will be asked to leave the classroom and, consequently, will be marked as “Absent”.

5. **Use your laptop for course-related purposes only.** The use of laptops during lectures must be authorized by the professor. The use of Social Media or accessing any type of content not related to the lecture is penalized. The student will be asked to leave the room and, consequently, will be marked as “Absent”.

6. **No cellular phones:** IE University implements a “Phone-free Classroom” policy and, therefore, the use of phones, tablets, etc. is forbidden inside the classroom. Failing to abide by this rule entails expulsion from the room and will be counted as one absence.

7. **Escalation policy: 1/3/5.** Items 4, 5, and 6 above entail expulsion from the classroom and the consequent marking of the student as “Absent.” IE University implements an “escalation policy”: The first time a student is asked to leave the room for disciplinary reasons (as per items 4, 5, and 6 above), the student will incur one absence, the second time it will count as three absences, and from the third time onward, any expulsion from the classroom due to disciplinary issues will entail 5 absences.