



INTERNATIONAL BUSINESS TRANSACTIONS BSAS BLAW 3310

Course description

The “International Business transactions” Special Program has been designed to meet the complex needs of practicing attorneys and advanced Law students, from a range of backgrounds, interested in gaining first-hand knowledge and practical tools in the field of INTERNATIONAL BUSINESS TRANSACTIONS, Specially INTERNATIONAL SALES OF GOODS UNDER VIENA 80' .

The program consists of 11 classes given in English, with a practical approach and with the use of the case-method.

Class 1

Daniel Alonso

INTRODUCTION FOR DOING INTERNATIONAL BUSINESS

- Introduction to Cross Border Trade and International Commercial Transactions.
- Conflict of laws, Foreign Law, and Comparative Law.
- Initiatives to reach consensus. Lex mercatoria.
- Principles of Contract Law: A Comparative Perspective of different legal families.

Class 2

Alberto Zuppi

PRACTICE IN INTERNATIONAL SALES OF GOODS

- Doing international business
- Usual practice in international commerce
- Usages in international commerce
- Characters and roles in international commerce

Class 3

Roberto Martin Paiva

INTERNATIONAL JURISDICTION AND APPLICABLE LAW IN INTERNATIONAL SALES OF GOODS

- General terms related to the sales of goods on International Private Law
- International jurisdiction in international sales of goods
- International sales of goods conflict of laws for issues excluded on the CISG

Class 4

María Blanca Noodt Taquela

APPLICABLE CONVENTIONS FOR THE INTERNATIONAL SALES OF GOODS

- Sphere of application of the United Nations Convention on contracts for the international sale of goods, 1980 (CISG) Material, spatial and temporal aspects.

- Sphere of application of the United Nations Convention on the limitation period in the international sale of goods, New York, 1974 (CLPISG) Material, spatial and temporal aspects.

Class 5

Roberto Martín Paiva

CONTRACTUAL FREEDOM AND ITS LIMITS UNDER THE CISG

- What are international usages and international customs under the CISG?
- Sphere of application of the UNIDROIT Principles of International Commercial Contracts as a complement and a interpretation tool for the CISG
- Sphere of application of the UNIDROIT Principles under substantive contractual freedom
- Sphere of application of the UNIDROIT Principles in absence of substantive contractual freedom. Normological, sociological and axiological analysis.

Class 6

Alejandro Menicocci

FORMATION OF THE CONTRACT OF INTERNATIONAL SALES OF GOODS

- Classic concepts in the sphere of the CISG
- Proposal, counter-offer and acceptance under different terms that constitutes and acceptance.
- Late acceptance
- Acceptance under performing acts

Class 7

Alberto Zuppi

OBLIGATIONS OF THE SELLER AND BUYER UNDER THE CISG

- Obligations of the seller under the CISG
- Obligations of the buyer under the CISG
- The conformity of the goods principle under the CISG

Class 8

Roberto Martín Paiva

CONTRACTUAL BREACH UNDER THE CISG

- The kind of breach and its consequences
- Avoidance of contract vs. obligation of keeping performing
- Legal presumptions under domestic law (Argentina Commerce Code Sections 474, 208.5 and 476) vs. CISG presumptions (article 38.1 and 39.1)
- Fundamental breach

Class 9

Roberto Martín Paiva

REMEDIES FOR BREACH OF CONTRACT

- Remedies for breach of contract under the CISG
- Preponderance of CISG's remedies over domestic remedies

Class 10

Alejandro Menicocci

BREACH OF CONTRACT CONSEQUENCES

- Article 74 extention
- Interests under article 78 CISG
- Mitigation of the losses
- Reparation and substitution of goods

Class 11

Alberto Zuppi

PASSING OF RISK

- Passing the risk under the CISG and in absence of the INCOTERMS
- INCOTERMS 2000
- Other clauses related to the risk passing: COD; etc.
- Exemptions under the CISG

Class 12

Test

Attendance, Participation & Student Responsibilities

Attendance

CAPA has a mandatory attendance policy. Students are also expected to participate actively and critically in class discussions, and the participation portion of the class will be graded accordingly. Students must read assignments BEFORE the class, and come in on time. Attendance is mandatory and is taken at the beginning of every class. Unauthorized absence from class will result in a reduction of the final grade and ultimately in a F for the course.

Missing classes for medical reasons

If you need to miss a class for medical reasons or for a family emergency, you must send an e-mail to let the Director of Academic Affairs (DAA) or Resident Director know at least one hour in advance of your class or meeting by emailing. Note that calling the CAPA Center is acceptable only if you do not temporarily have access to the internet. An e-mail is still required as quickly as you can get access to the internet again. You will need to provide evidence of the reason for your absence. Unexcused absences will result in a grade reduction. In the event of a missed class or field trip, it is your responsibility to contact your instructor and make up any missed assignments.

Class Participation

Participation is a vital part of your grade: students are expected to participate orally in seminars and in online forums and discussions in a critical and evaluative manner; to interact with the faculty and fellow students with respect and tolerance; and to actively engage in discussion. Derogatory or inflammatory comments about the cultures, perspectives or attitudes of others in the class will not be tolerated.

Academic Integrity

The faculty expects from you, the student, a high level of responsibility and academic honesty. Because the value of an academic course depends upon the absolute integrity of the work done by the student, it is imperative that a student demonstrates a high standard of individual honor in his or her scholastic work and class behavior. Plagiarism and cheating will result in dismissal from the program. See the Handbook of CAPA Academic Policies for more information and resources on plagiarism.

Use of electronic equipment in class

All devices such as laptops, I-pods, I-pads, netbooks, notebooks and tablets, smartphones, cell phones, etc. are NOT allowed unless you have express permission from the faculty or you have been instructed to do so. If you require an accommodation to use any type of electronic equipment, inform the Director of Academic Affairs or the Resident Director at the beginning of Term.

Use of Electronic Translators

In Language courses students are NOT allowed to use electronic translators for writing texts in the target language: those submitting compositions and texts of whatever kind translated in such a fashion will receive a final F grade for the course.

Late Submission

Late submission of papers due, projects, journal entries, pieces of homework and portfolios is only permitted with prior approval. A request must be made to the relevant Faculty member no later than two days prior to the due date. Late submission without prior approval will result in a full alpha grade penalty. In either case, work cannot be submitted after feedback has been provided to the rest of the class on the relevant assessment or one week after the due date whichever comes first, after which point a grade of F will be given for the assessment.

Behavior during Examinations

During examinations, you must do your own work. Unless specifically instructed by the lecturer or instructor, talking during an exam is not permitted, nor may you compare papers, copy from others, or collaborate in any way. Any failure to abide by examination rules will result in failure of the exam, and may lead to failure of the course and disciplinary action.