Description: International Business Law

Subject  Cat-Nbr  Class  Term  Mode  Units  Campus
LAW     8118    18101  3, 2002  ONC  1.00  TWMBA

Academic Group:  FOBUS
Academic Org:    FOB010
HECS Band:       3
ASCED Code:      090909

STAFFING
Examiner: Des Taylor
Moderator: Rosalind Mason

OTHER-REQUISITES
Pre-requisite: Enrolment in a post-graduate program.

RATIONALE
A study of international business involves an examination of the environment in which such business is conducted. One important aspect of that environment is law. The law impacts not only on single transactions which have a transnational aspect but also on the methods and structures through which an organisation, especially one based in Australia, may conduct business overseas. It is clear that a failure to appreciate the legal ramifications of particular practices and transactions can have an adverse effect on the operations of an international enterprise.

SYNOPSIS
This course examines the impact of law on the enterprises that conduct international business and on particular transactions entered into by such enterprises. The focus will be primarily on individual transactions. The formation and other aspects of international contracts will be dealt with as well as the international transport of goods and international payments. The course will also explore legal aspects of foreign investment, marketing and licensing and the World Trade Organisation. In addition, a study will be made of one particular regional grouping (namely the European Union) and the methods by which private international legal disputes are resolved.

OBJECTIVES
Successful completion of the course should enable the student to:
• understand the main legal differences between domestic and international business transactions;
• have some knowledge of the law relating to the common forms of contracts used in transnational sales;
• identify and understand the terms which should be included in such contracts to protect a party's interest;
• understand the law and legal ramifications involved in the international transportation of goods;
• understand how international payments are effected and some of the relevant legal issues;
• have some understanding of the World Trade Organization (WTO);
• have some knowledge of regional groupings - particularly the European Union - and the relevance of same to international business law.
• understand some of the legal aspects relating to marketing and licensing and foreign investment;
• have some understanding of the methods by which private international legal disputes are resolved and to assess the relative merits of resolution through the courts, by arbitration, and alternative dispute resolution;

TOPICS

<table>
<thead>
<tr>
<th>Description</th>
<th>Weighting (%)</th>
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<tbody>
<tr>
<td>1. Contracts for the international sale of goods</td>
<td>15.00</td>
</tr>
<tr>
<td>2. International transport of goods</td>
<td>15.00</td>
</tr>
<tr>
<td>3. International payments</td>
<td>15.00</td>
</tr>
<tr>
<td>4. The world trade organisation</td>
<td>10.00</td>
</tr>
<tr>
<td>5. Regional groupings - the European Union</td>
<td>15.00</td>
</tr>
<tr>
<td>6. International marketing and licensing</td>
<td>10.00</td>
</tr>
<tr>
<td>7. Foreign investment law</td>
<td>10.00</td>
</tr>
<tr>
<td>8. International dispute resolution</td>
<td>10.00</td>
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</tbody>
</table>

TEXT and MATERIALS required to be PURCHASED or ACCESSED:

Books can be ordered by fax or telephone. For costs and further details use the 'Book Search' facility at http://bookshop.usq.edu.au by entering the author or title of the text.


(or a similar legal dictionary)
REFERENCE MATERIALS

Reference materials are materials that, if accessed by students, may improve their knowledge and understanding of the material in the course and enrich their learning experience.


STUDENT WORKLOAD REQUIREMENTS

<table>
<thead>
<tr>
<th>ACTIVITY</th>
<th>HOURS</th>
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<tbody>
<tr>
<td>Assessment</td>
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<tr>
<td>Directed Study</td>
<td>56</td>
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<tr>
<td>Private Study</td>
<td>69</td>
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ASSESSMENT DETAILS

<table>
<thead>
<tr>
<th>Description</th>
<th>Marks Out of</th>
<th>Wtg(%)</th>
<th>Required</th>
<th>Due Date</th>
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<tbody>
<tr>
<td>ASSIGNMENT</td>
<td>30.00</td>
<td>30.00</td>
<td>Y</td>
<td>20 Dec 2002</td>
</tr>
<tr>
<td>EXAMINATION (3 HOURS)</td>
<td>70.00</td>
<td>70.00</td>
<td>Y</td>
<td>END S3</td>
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NOTES:

. The examination is scheduled to be held in the end-of-semester examination period. Students will be advised of the official examination date after the timetable has been finalised.

OTHER REQUIREMENTS

1 To be assured of a passing grade in this course, students must attempt all of the assessments, achieve at least 50% in the examination and at least 50% of the available marks for the course. Final grades for the course will be determined by the addition of the marks obtained in each assessment item, weighted as in the Assessment Details.
2 Students must retain a copy of all pieces of assessment which must be produced if/when required by the lecturer.

3 LATE ASSIGNMENTS (i) All assessments submitted after the due date (and not approved for extension) in accordance with university policy will be penalised 20% per working day. (ii) If students submit assignments after the due date and wish to claim extenuating circumstances then they shall provide validated documentary evidence with the assignment, explaining the circumstances. (iii) The course examiner shall consider the statement accompanying a late assignment and decide on the outcome.

4 Assignments not submitted in the appropriate assignment folders will be deemed as not being received.

5 DISHONEST ACTIONS (i) Any student who is alleged to having performed a dishonest action relating to any assessment in the course will have a course of action taken against him/her as outlined in the Academic Regulations. (ii) Pieces of assessment should be the work of individual students. Joint pieces of assessment are not permitted unless written approval has been obtained from the course leader. (iii) Dishonest action in relation to assessment includes: - copying or attempting to copy the work of others; - use of or attempting to use information prohibited from use in that form of assessment; - submitting the work of another as your own; - consciously committing acts of plagiarism, ie taking and using another's thoughts or writings as one's own with intent to deceive, which occurs when paragraphs, sentences, a single sentence or significant parts of a sentence which are copied directly, are not enclosed in quotation marks and appropriately footnoted or referenced in the text direct quotations are not used, but text is paraphrased or summarised, and the source of the material is not acknowledged by footnoting or other reference in the text.

6 DEFERRED EXAMINATIONS (i) Deferred examinations will be granted at the Dean's discretion based on non-attendance for medical, compassionate or employment-related reasons having regard to item 1. If a deferred examination is granted students shall sit the deferred examination in the next semester examination period. If, for whatever reason, this deferred examination is not taken then the student will be graded 'F'. (ii) To be eligible for consideration for a deferred examination, students must have submitted a genuine attempt at all mandatory assessment items. (iii) Deferral of an examination CANNOT be granted on an existing deferral in that course. (iv) Requests must be in writing to the Faculty Operations Manager clearly stating student name, student number, current address, course alpha-numeric identifier and name for the examination not attended. (v) Requests MUST BE supported by original or suitably authenticated documentation. (vi) Requests and documentation must be submitted to the Faculty Operations Manager within ten (10) calendar days of the missed examination date. (vii) Requests based on medical reasons must be supported by medical evidence on the appropriate University of Southern Queensland medical certificate or doctor's certificate. A medical certificate must be dated with the same date as the period of illness for which the absence from examination is being sought and clearly indicate the student's name and, if possible, student number (retrospective medical certificates will not be accepted for either assignment work or examinations). Only original or authenticated medical certificates will be accepted. A student's medical
condition must be stated clearly (IN ENGLISH). (Certificates stating a student has a 'medical condition' may not be sufficient grounds for deferment of examination). Medical evidence must cover the student for the day(s) of the missed examination(s).

(viii) Requests based on family/personal reasons must be supported by a clear statement (IN ENGLISH) from a medical practitioner, counsellor or independent member of the community. (ix) Requests based on employment-related reasons must be supported by a clear statement (IN ENGLISH) from the student's employer. (x) Students who have a medical condition or genuine compassionate or employment-related problems on the day of the examination are advised to obtain the relevant documentary evidence and NOT attempt the examination. If a student makes an attempt at the examination, the assessment item will be marked and a grade awarded. In these cases, a student cannot, after receiving a 'fail' grade, request a deferred examination or special consideration. (xi) Students who have been granted deferred examinations will not be granted a waiver of prerequisites, without the permission of the Heads of Department, in subsequent semesters (if they do not have a passing grade).

7 Course weightings of topics should not be interpreted as applying to the number of marks allocated to questions testing those topics in an examination paper. The examination may test material already tested in assignments.

8 The examination will be an OPEN examination.