Description: International Business Law

<table>
<thead>
<tr>
<th>Subject</th>
<th>Cat-nbr</th>
<th>Class</th>
<th>Term</th>
<th>Mode</th>
<th>Units</th>
<th>Campus</th>
</tr>
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<tbody>
<tr>
<td>LAW</td>
<td>8118</td>
<td>38073</td>
<td>3, 2004</td>
<td>ONC</td>
<td>1.00</td>
<td>TW MBA</td>
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Academic group: FOBUS
Academic org: FOB010
Student contribution band: 3
ASCED code: 090909

STAFFING
Examiner: Des Taylor
Moderator: Rosalind Mason

OTHER-REQUISITES
Pre-requisite: Enrolment in a postgraduate 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 sales contracts will be dealt with as well as the international transport of goods and international payments. The course will also explore legal aspects of the World Trade Organisation, marketing and licensing and foreign investment. 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:
1. understand the main legal differences between domestic and international business transactions;
2. have some knowledge of the law relating to the common forms of contracts used in international sales transactions;
3. identify and understand the terms which should be included in such contracts to protect a party's interest;
4. understand the law and legal ramifications associated with the international transportation of goods;
5. understand how international payments are effected and some of the relevant legal issues associated therewith;
6. have some understanding of the World Trade Organization (WTO), especially its dispute settlement mechanism;
7. have some knowledge of regional groupings - particularly the European Union (EU) - and the relevance of same to international business law;
8. understand some of the legal aspects relating to marketing and licensing and foreign investment; and
9. have some understanding of the methods by which private international legal disputes are resolved and the relative merits of resolution of international business disputes 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>
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<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>
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<td>5. Regional groupings - the European Union</td>
<td>15.00</td>
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<tr>
<td>6. International marketing and licensing</td>
<td>10.00</td>
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<tr>
<td>7. Foreign investment law</td>
<td>10.00</td>
</tr>
<tr>
<td>8. International dispute resolution</td>
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**TEXT and MATERIALS required to be PURCHASED or ACCESSED:**

ALL textbooks and materials are available for purchase from USQ BOOKSHOP (unless otherwise stated). Orders may be placed via secure internet, free fax 1800642453, phone 07 46312742 (within Australia), or mail. Overseas students should fax +61 7 46311743, or phone +61 7 46312742. For costs, further details, and internet ordering, use the 'Textbook Search' facility at http://bookshop.usq.edu.au click 'Semester', then enter your 'Course Code' (no spaces).

The Honourable Justice IPP, Weerasooria, WS, Nygh, PE & Butt, P (eds) 
LexisNexus-Butterworths business and law dictionary, (the latest edition), Butterworths, 
Sydney.
(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.

Leichhardt, New South Wales.
Craig, P & de Burca, G 2003, EU law text, cases and materials, 3rd edn, Oxford University 
Press, Oxford.
D'Arcy, L, Murray, C & Cleave, B 2000, Schmitthoff's export trade - the law and practice 
of international trade, Sweet & Maxwell, London.
Honnold, JO 1999, Uniform law for international sales under the 1980 United Nations 
Moens, G & Gillies, P 1998, International trade and business: law, policy and ethics, 
Pryles, M, Waincymer, J & Davies, M 2004, International trade law commentary and 
materials, 2nd edn, LBC Information Services, Sydney.
Todd, P 2003, Cases and materials on international trade law, Sweet & Maxwell, London.
New South Wales.

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>
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<tr>
<td>Private Study</td>
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ASSESSMENT DETAILS

<table>
<thead>
<tr>
<th>Description</th>
<th>Marks out of</th>
<th>Wtg(%)</th>
<th>Due date</th>
</tr>
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<tbody>
<tr>
<td>ASSIGNMENT</td>
<td>30.00</td>
<td>30.00</td>
<td>17 Dec 2004</td>
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<tr>
<td>3 HOUR EXAMINATION</td>
<td>70.00</td>
<td>70.00</td>
<td>END S3 (see note 1)</td>
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NOTES:
1. 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.

IMPORTANT ASSESSMENT INFORMATION

1. Attendance requirements:
   It is the students' responsibility to attend and participate appropriately in all activities (such as lectures, tutorials, laboratories and practical work) scheduled for them, and to study all material provided to them or required to be accessed by them to maximise their chance of meeting the objectives of the course and to be informed of course-related activities and administration. If you are an International student in Australia it is a requirement of your student visa that you attend all classes at your campus.

2. Requirements for students to complete each assessment item satisfactorily:
   Students must submit assignments that represent a reasonable attempt as determined by the Examiner. Students must obtain at least 50% of the marks available for the examination.

3. Penalties for late submission of required work:
   If students submit assignments after the due date without prior approval then a penalty of 20% of the total marks gained by the student for the assignment will apply for each working day late.

4. Requirements for student to be awarded a passing grade in the course:
   To be assured of receiving a passing grade a student must attempt all of the summative assessment items, achieve at least 50% in the examination and achieve an aggregated mark of at least 50% of the available weighted marks for the summative assessment items.

5. Method used to combine assessment results to attain final grade:
   The final grades for students will be assigned on the basis of the weighted aggregate of the marks obtained for each of the summative assessment items in the course.

6. Examination information:
   This will be an open examination. Candidates may have access to any material during the examination except the following: electronic communication devices (eg mobile telephones, pagers), bulky materials, devices requiring mains power, material likely to disturb other students.

7. Examination period when Deferred/Supplementary examinations will be held:
   Any Deferred or Supplementary examinations for this course will be held during the next examination period.
8 University Regulations:
Students should read USQ Regulations 5.1 Definitions, 5.6. Assessment, and 5.10 Academic Misconduct for further information and to avoid actions which might contravene University Regulations. These regulations can be found at the URL http://www.usq.edu.au/corporateservices/calendar/part5.htm. Students should also read the Faculty of Business Guide to Policies and Procedures of the Faculty which can be found at the URL http://www.usq.edu.au/handbook/current/buspolproc.html.

ASSESSMENT NOTES

1 Assignments: (i) The due date for an assignment is the date by which a student must despatch the assignment to the USQ. The onus is on the student to provide proof of the despatch date, if requested by the Examiner. (ii) Students must retain a copy of each item submitted for assessment. This must be produced within 24 hours if required by the Examiner. (iii) The Examiner may grant an extension of the due date of an assignment in extenuating circumstances. 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. The Examiner shall consider the statement accompanying a late assignment and decide on the outcome. (iv) Assignments are to be submitted with the appropriate assignment cover. (v) The Examiner will normally only accept assessments that have been written, typed or printed on paper-based media. (vi) In the event that a due date for an assignment falls on a local public holiday in their area, such as a Show holiday, the due date for the assignment will be the next day. Students are to note on the assignment cover the date of the public holiday for the Examiner's convenience.

2 Course Weightings: 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.

3 Deferred Work: Students who, for medical, family/personal, or employment-related reasons, are unable to complete an assignment or to sit for an examination at the scheduled time may apply to defer an assessment in a course. Such a request must be accompanied by appropriate supporting documentation. One of the following temporary grades may be awarded: IDS (Incomplete - Deferred Examination); IDM (Incomplete Deferred Make-up); IDB (Incomplete - Both Deferred Examination and Deferred Make-up).

OTHER REQUIREMENTS

1 Internet Access: It will be assumed by the Examiner that all students enrolled in LAW8118 will, at all relevant times during the semester, have Internet access and will be able to access such facilities as the course electronic discussion group.