

LEGAL ENVIRONMENT OF BUSINESS 32D28000 6 ECTS cr / 4 cr

CASES

CASE 1

LEGAL REMEDY SYSTEMS IN CONTRACT LAW

Themes:

- 1) Patterns of regulation
 - official norms: legislation and lower norms
 - soft law (official / semi-official (e.g. international trade organizations) / self regulation)
 - self regulation: advantages and drawbacks
 - scope of validity
 - conflict of interests
- 2) Choice of law (international private law)
- 3) International procedural law
 - determination of international jurisdiction of courts (choice of court)
 - international recognition and enforcement of judgments
 - international arbitration and reconciliation

Assignment:

Outline the structure of the dispute settlement system based on the process (a) in court and (b) in arbitration from the point of view of international contractual relations of a company. Take into account the determination of jurisdiction, choice of law and recognition and enforcement of judgments. View the problem from the point of view of the three types of contracts: business trade, consumer sales and a business agreement between companies on project export. Take into account also the possibility that a foreign partner is hesitant to boilerplate-type contract terms, for example, terms on conflict of laws and conditions governing the jurisdiction of the Court.

Also give a report of cases 1 (a) and (b) in respect of themes 2) ad 3) indicated above. You can follow the instructions in the file Cases instructions or organize your presentation of the cases by some other model.